



# भारत का राजपत्र

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सं० 10] नई दिल्ली, शनिवार, मार्च 10, 1973/फाल्गुन 19, 1894  
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this part in order that it may be filed as a separate compilation

### भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)  
केंद्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administration of Union Territories)

मंत्रीमंडल सचिवालय  
कार्मिक और प्रशासनिक सुधार विभाग

CABINET SECRETARIAT  
(Department of Personnel and Administrative Reforms)

ORDER

New Delhi, the 27th February

नई दिल्ली, 27 फरवरी, 1973

का. आ. 681.—दिल्ली विशेष पुलिस स्थापना अधिनियम (1946 का अधिनियम 25) की धारा 6 के साथ पठित, धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों और इस संबंध में इसे समर्थ बनाने वाली समस्त अन्य शक्तियों का प्रयोग करते हुए, हरियाणा राज्य सरकार की सहमति से, केंद्रीय सरकार, एतद्द्वारा, नूह (हरियाणा राज्य) में दिनांक 2 अगस्त, 1972 को अकेरा ग्राम के सरपंच मुजीद खान को पहुँचाई गई गहरी चोट के संबंध में, भारतीय दंड संहिता (1860 का 45) की धाराओं 188, 307, 148, 149, 324, के अधीन घंडनीय अपराधों और उस कार्रवाई के दौरान किए गए किन्हीं अन्य अपराधों के अन्वेषण के लिए, दिल्ली, विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का समस्त हरियाणा राज्य में विस्तार करती है।

[सं. 228/21/72-ए. सी. डी. (2)]

S.O. 681.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act (Act 25 of 1946) and of all other powers enabling it in this behalf, the Central Government, with the consent of the Government of the State of Haryana, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for the investigation of the offences punishable under sections 188, 307, 148, 149 and 324 of the Indian Penal Code (45 of 1860) and any other offences committed in the course of the same transaction regarding the grievous injury received by Shri Majid Khan, surpanch of village Aker, on the 2nd August, 1972, at Nuh in the State of Haryana.

[No. 228/21/72-AVD. II]

नई दिल्ली, 27 फरवरी, 1973

का. आ. 682.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्द्वारा, निम्नलिखित अपराधों को

ऐसे अपराध निर्धारित करती हैं जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापना द्वारा किया जाना है, अर्थात् :—

(क) भारतीय दण्ड संहिता (1860 का 45) की धारा 188 के अधीन दण्डनीय अपराध ;

(ख) खण्ड (क) में उल्लिखित किसी अपराध के संबंध में या उससे संबंधित प्रयत्न, उकसाहट और षड़यंत्र तथा वैसे ही तथ्यों से उत्पन्न हुई एक सी कार्यवाही के दौरान किया गया अन्य कोई अपराध ।

[सं. 228/21/72-ए. पी. डी.-2]

बी. सी. वंजानी, अवर सचिव

New Delhi, the 27th February, 1973

**S.O. 682.**—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely:—

(a) Offences punishable under section 188 of the Indian Penal Code (45 of 1860);

(b) attempts, abetments and conspiracies in relation to or in connection with any offence mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/21/72-AVD II]

B. C. VANJANI, Under Secy.

### भारत निर्वाचन आयोग

#### आवृत्ति

नई दिल्ली, 2 फरवरी, 1973

का. आ. 683. यत्तः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिमी बंगाल विधान सभा के लिये निर्वाचन के लिए 41 मालदा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धीरेन्द्र नाथ दास, 11/40, बिनाप, सरकार रोड, पो.आ. और जिला मालदा, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री धीरेन्द्र नाथ दास को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. प. बं. वि. स. 41/71/(28)]

### ELECTION COMMISSION OF INDIA

#### ORDER

New Delhi, the 2nd February, 1973

**S.O. 683.**—WHEREAS the Election Commission is satisfied that Shri Dharendra Nath Das, 11/40, Benoy Sarkar Road, P.O. and District Malda, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 41-Malda constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dharendra Nath Das to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/41/71(28)]

#### आवृत्ति

नई दिल्ली, 3 फरवरी, 1973

का. आ. 684.—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिम बंगाल विधान सभा के लिये निर्वाचन के लिए 48 जंगीपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आशुतोष डोम, ग्राम बालीघाटा, पो.आ. रघुनाथ गंज, जिला मुर्शिदाबाद, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री आशुतोष डोम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. प. बं. वि. स./48/71(30)]

#### ORDER

New Delhi, the 3rd February, 1973

**S.O. 684.**—WHEREAS the Election Commission is satisfied that Shri Ashutosh Dom, Village Balighata, P.O. Raghunathganj, District Murshidabad, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 48-Jangipur constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ashutosh Dom to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/48/71(30)]

## आवृत्ति

का. आ. 685.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिम बंगाल विधान सभा के लिये निर्वाचन के लिए 59 बेलदंगा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अमिया कुमार बनर्जी, ग्राम महाता, पो.आ. सक्तीपुर, जिला मुर्शिदाबाद, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अमिया कुमार बनर्जी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृत्ति की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. प.बं.-वि.स./59/71(29)]

## ORDER

S.O. 685.—WHEREAS the Election Commission is satisfied that Shri Amiya Kumar Banerjee, Village Mahata, P.O. Saktipur, District Murshidabad, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 59-Beldanga constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amiya Kumar Banerjee to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/59/71(29)]

## आवृत्ति

का. आ. 686.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिल नाडु विधान सभा के लिए निर्वाचन के लिए 197 कदालदी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के. किशोर्न, कुलापधम, पो.आ. नाथम, तालुक रामनाथपुरम, जिला रामनाथपुरम (तमिल नाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के. किशोर्न को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृत्ति की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. त.ना.-वि.स./197/71(40)]

## ORDER

S.O. 686.—WHEREAS the Election Commission is satisfied that Shri K. Kizhavan, Kulapadham, Natham P.O., Ramanathapuram Taluk, Ramanathapuram District (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 197-Kadaladi constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Kizhavan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/197/71(40)]

## आवृत्ति

का. आ. 687.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 को हुए त्रिपुरा विधान सभा के लिए निर्वाचन के लिये 38 अम्पीनगर (अजजा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोपीनाथ जमातिया, ग्राम नगराई जमातिया बाड़ी, छनगंग, डा. नगराई जिला वीक्षण त्रिपुरा, त्रिपुरा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोपीनाथ जमातिया को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृत्ति की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. त्रिपुरा-वि. सं./38/72(1)]

## ORDER

S.O. 687.—WHEREAS the Election Commission is satisfied that Shri Gopinath Jamatia, Village Nagrai Jamatia Bari, Chhangang, P.O. Nagrai, District South Tripura, Tripura, a contesting candidate for election to the Tripura

Legislative Assembly from 38-Ampinagar (ST) assembly constituency, held in March, 1972, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gopinath Jamatia to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/38/72(1)]

### आदेश

का. आ. 688.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए पश्चिमी बंगाल विधान सभा के लिए निर्वाचन के लिए 85 हाब्रा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार वर श्री मौलाना मु. अब्दुल खय्यर, ग्राम कयरा, पो.आ. कदम्बागची, जिला 24 परगना, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री मौलाना मु. अब्दुल खय्यर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. प. बं.वि.स./85/72(31)]

### ORDER

S.O. 688.—WHEREAS the Election Commission is satisfied that Shri Moulana Md. Abul Khayer, Village Kayra, P.O. Kadambagachi, District 24-Parganas, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 85-Habra constituency, held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Moulana Md. Abul Khayer to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/85/72(31)]

### आदेश

का. आ. 689.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 117-मोडाकुरीची निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कोथन्दापानी सुपुत्र श्री सुब्बाराथीनाम पिल्लई, बाजार स्ट्रीट, अंजालुर पो. इरोड तालुक, जिला कोयम्बटूर, तमिलनाडु। लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री कोथन्दापानी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. त. ना.वि.सं./117/71(42)]

### ORDER

S.O. 689.—WHEREAS the Election Commission is satisfied that Shri Kothandapani, S/o Shri Subbarathinam Pillai, Bazaar Street, Unjalur P.O., Erode Taluk, Coimbatore District, (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 117-Modakurichi constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kothandapani to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/117/71(42)]

### आदेश

का. आ. 690.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिल नाडु विधान सभा के लिए निर्वाचन के लिए 120-भवानी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पी. मणिक्कम सुपुत्र श्री पिथास गौन्डेर, 11/38, पालानियान्डवर कोविल स्ट्रीट, भवानी, जिला कोयम्बटूर, तमिलनाडु। लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई विधिमन्य कारण अथवा

स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पी. मणिक्कम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. त. ना.नि. सं./120/71(41)]

#### ORDER

**S.O. 690.**—WHEREAS the Election Commission is satisfied that Shri P. Manickkam, S/o Shri Pethara Gounder, 11/36, Palaniandavar Kovil Street, Bhavani, Coimbatore District (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 120-Bhavani constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any valid reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. Manickkam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/120/71(41)]

#### आदेश

**का. आ. 691.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 120 गांधीस्ट्री-पालायम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम. सेलामबन्ना गौन्डर, बेल्लिंगाटूर, नागादेवास-पालायम पोस्ट, (वाया) गांधीस्ट्री-पालायम, जिला कोयम्बटूर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम. सेलामबन्ना गौन्डर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. त. ना.नि. सं./122/71(43)]

#### ORDER

**S.O. 691.**—WHEREAS the Election Commission is satisfied that Shri M. Selambanna Gounder, Velliangattur, Nagadevampalayam Post, (Via) Gobichettipalayam, Coimbatore District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu Legislative Assembly from 122-Gobichettipalayam constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. Selambanna Gounder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/122/71(43)]

#### आदेश

नई दिल्ली, 8 फरवरी, 1973

**का. आ. 692.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए उड़ीसा विधान सभा के लिए निर्वाचन के लिए 124 बिसरा (अजगा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एजब ओराम, ग्राम संतोषपुर, डा. बिसरा, जिला सुन्दरगढ़ (उड़ीसा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एजब ओराम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. उड़ीसा-नि. सं./124/71(1)]

#### ORDER

New Delhi, the 8th February, 1973

**S.O. 692.**—WHEREAS the Election Commission is satisfied that Shri Aijub Oram, Village Santoshpur, P.O. Bisra, District Sundargarh (Orissa), a contesting candidate for election to the Orissa Legislative Assembly from 124-Bisra (ST) Assembly Constituency, held in March, 1971, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the rules made thereunder;

2. AND WHEREAS, the said candidate even after due notices has not given any reason or explanation for the failure and the commission is satisfied that he has no good reason or justification for such failure;

3. NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Aijub Oram to be disqualified for being chosen, as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/124/71(1)]

## आवृत्ति

नई दिल्ली, 8 फरवरी, 1973

का. आ. 693.—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए निर्वाचन के लिए 124 बिसरा अजजा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अल्बिनस अक्सैस, ग्राम बुदेलजोरे, डा. बिसरा, जिला सुन्दरगढ़, उड़ीसा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अल्बिनस अक्सैस को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. उड़ीसा-वि. सं./124/71(2)]

## ORDER

S.O. 693.—WHEREAS the Election Commission is satisfied that Shri Albinus Xess, Village Budeljore, P.O. Bisra, District Sundargarh (Orisa), a contesting candidate for election to the Orissa Legislative Assembly from 124 Bisra (ST) Assembly Constituency, held in March, 1971, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Albinus Xess to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/124/71(2)]

## आवृत्ति

का. आ. 694.—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिम बंगाल विधान सभा के लिए निर्वाचन के लिए 174 हरीपाल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अमलेश चन्द्र मजूमदार, पो.आ. नालीकुल, जिला हुगली, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण

नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस सफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अमलेश चन्द्र मजूमदार को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. पं.बं.-वि.सं./174/71(32)]

S.O. 694.—WHEREAS the Election Commission is satisfied that Shri Amalash Chandra Majumdar, P.O. Nalikul, District Hooghly, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 174-Haripal constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amalash Chandra Majumdar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/174/71(32)]

## आवृत्ति

का. आ. 695.—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए पश्चिमी बंगाल विधान सभा के निर्वाचन के लिए 174 हरीपाल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिषिकेश डे, ग्राम भीमपुर, पो.आ. बान्दीपुर, जिला हुगली, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री हरिषिकेश डे को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. पं.बं.-वि.सं./174/72(33)]

## ORDER

S.O. 695.—WHEREAS the Election Commission is satisfied that Shri Hrishikesh Dey, Village Bhimpur, P.O. Bandipur, District Hooghly, West Bengal, a contesting candidate

for election to the West Bengal Legislative Assembly from 174-Haripal constituency, held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hrishikesh Dey to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/174/72(33)]

आवृत्ति

नई दिल्ली, 12 फरवरी, 1973

का. आ. 696.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिमी विधान सभा के लिए निर्वाचन के लिए 180 ताराकेश्वर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मंशाराम सामंत, ग्राम रामनारायनपुर, पो.आ. चम्पाडांगा, जिला हुगली, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मंशाराम सामंत को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. प.बं.-वि.स./180/71(34)]

ए. एन. सेन, सी.एच.

New Delhi, the 12th February, 1973

S.O. 696.—WHEREAS the Election Commission is satisfied that Shri Mansha Ram Samanta, Village Ramnarayanpur, P.O. Champadanga, District Hooghly, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 180-Tarakeshwar constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mansha Ram Samanta to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/180/71(34)]  
A. N. SEN, Secy.

आवृत्ति

नई दिल्ली, 16 फरवरी, 1973

का. आ. 697.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए आन्ध्र प्रदेश विधान सभा के लिए निर्वाचन के लिए 268 भद्राचल (अजजा) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चिन्नाब्बी करम, मामीडिगुडम पोस्ट (वाया) भद्राचलम, नगर तालुक, जिला खम्माम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चिन्नाब्बी करम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. आन्ध्र प्र.वि. स./268/72]

ORDER

New Delhi, the 16th February, 1973

S.O. 697.—WHEREAS the Election Commission is satisfied that Shri Chinnabbi Karam, Mamidigudem Post (Via) Bhadrachalam, Nugur taluk, Khammam District, a contesting candidate for general election to the Andhra Pradesh Legislative Assembly held in March, 1972 from 268-Bhadrachalam (ST) constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chinnabbi Karam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/268/72]

आवृत्ति

नई दिल्ली, 17 फरवरी, 1973

का. आ. 698.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए आन्ध्र प्रदेश विधान सभा के लिए निर्वाचन के लिए 270 पालवंचा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम. एस. एडविन, कोठागुडम, जिला खम्माम, आन्ध्र प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम. एस. एडविन को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. आ. प्र. नि. व. स./270/72]

बी. एन. भारद्वाज,  
सचिव ।

New Delhi, the 17th February, 1973

### ORDER

**S.O. 698.**—WHEREAS the Election Commission is satisfied that Shri M. S. Edwin, Kothagudem, Khammam District, Andhra Pradesh, a contesting candidate for the general election to the Andhra Pradesh Legislative Assembly held in March, 1972, from 270-Palwancha constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. S. Edwin to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/270/72]

B. N. BHARDWAJ, Secy.

### विधि, न्याय व कम्पनी कार्य मंत्रालय (न्याय विभाग)

नई दिल्ली, 24 फरवरी, 1973

### नोटिस

**का. आ. 699.**—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को कैप्टन जगदीश सिंह, एडवाकेट, डी-142, डिफेन्स कालोनी, नई दिल्ली-3 ने उक्त नियमों के नियम 4 के अधीन संघ राज्य क्षेत्र दिल्ली में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है ।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें ।

[सं. 22/8/72-न्याय]

कै. त्यागराजन, सक्षम प्राधिकारी तथा उपसचिव ।

### MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (Department of Justice)

New Delhi, the 24th February, 1973

### NOTICE

**S.O. 699.**—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Capt. Jagdish Singh, Advocate, D-142, Defence Colony, New Delhi-3 for appointment as a Notary to practise in the Union Territory of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. 22/8/72-JHS]

K. THYAGARAJAN,  
Competent Authority and Dy. Secy.

### वित्त मंत्रालय (राजस्व और बीमा विभाग)

नई दिल्ली, 2 फरवरी, 1972

### आयकर

**का. आ. 700.**—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि नीचे वर्णित संस्था का, भारतीय सामाजिक विज्ञान अनुसंधान परिषद्, विहित प्राधिकारी द्वारा आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के उपखण्ड (3) के प्रयोजनों के लिए पहली अप्रैल, 1972 से तीन वर्ष के लिए अनुमोदित किया गया है ।

### संस्था

महाराष्ट्र इकनामिक डेवलपमेंट काउन्सिल ।

[सं. (फा. सं. 203/29/71-आई. टी. ए. 2)]

टी. पी. भुनजुनवाला, उपसचिव ।

### MINISTRY OF FINANCE (Department of Revenue & Insurance)

New Delhi, the 2nd February, 1973

### INCOME TAX

**S.O. 700.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 for three years with effect from 1st April, 1972.

### INSTITUTION

MAHARASHTRA ECONOMIC DEVELOPMENT  
COUNCIL.

[F. No. 203/29/71-ITA. II]

T. P. JHUNJHUNWALA, Dy. Secy.

### आदेश

नई दिल्ली, 10 मार्च, 1973

### स्टाम्प

**का. आ. 701.**—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) द्वारा प्रकृत शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, पूना सिटी म्यूनीसिपल काउन्सिल का, उक्त अधिनियम की धारा 8 की उपधारा (1) के अधीन यथा उपबन्धित एक प्रतिशत की समीकृत दर से, उसके द्वारा पुरोवृत्त किए



गए एक लाख दस हजार रुपये के मूल्य डिबेंचरों पर प्राभार्य स्टाम्प-शुल्क का संदाय करने के लिए एतद्वारा अनुज्ञा देती हैं।

[सं./10/73-स्टाम्प/फा. सं. 471/3/73-सीमा-शुल्क-7]

New Delhi, 10th March, 1973

### ORDER STAMPS

**S.O. 701.**—In exercise of the powers conferred by sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby permits the Poona City Municipal Corporation to pay stamp duty, chargeable on the debentures issued by it to the value of one lakh and ten thousand rupees, at the consolidated rate of one per cent as provided under sub-section (1) of section 8 of the said Act.

[No. 10/73-Stamps/F. No. 471/3/73-Cus. VII]

**फा. आ. 702.**—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय औद्योगिक विकास बैंक, मुम्बई का उक्त बैंक द्वारा जारी किए गए 5½ प्रतिशत बन्धपत्र, 1984 पर, उक्त अधिनियम के अधीन प्रभार्य नौ लाख बासठ हजार चार सौ रुपये के सम कित स्टाम्प शुल्क का संदाय करने के लिए एतद्वारा अनुज्ञा देती हैं।

[सं./73-स्टाम्प/फा. सं. 471-7/73-सी-शु.-7]

### ORDER STAMPS

**S.O. 702.**—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Industrial Development Bank of India, Bombay to pay consolidated stamp duty of nine lakhs and sixty two thousand four hundred of rupees, chargeable under the said Act, on the 5-3-/4/70, Bonds, 1984, issued by the said Bank.

[11/73-Stamps/F. No. 471/7/73-Cus. VII]

**फा. आ. 703.**—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उस शुल्क से, जो केरल वित्तीय निगम द्वारा जारी किए जाने वाले एक सौ दस लाख रुपये के अंकित मूल्य के बन्धपत्रों पर उक्त अधिनियम के अधीन प्रभार्य हैं, एतद्वारा छूट देती हैं।

[सं. 9/73-स्टाम्प/फा. सं. 471/2/73-सीमा-शुल्क-7]

कै. शंकररामन, अवर सचिव

### ORDER STAMPS.

**S.O. 703.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds to the face value of one hundred and ten lakhs of rupees, to be issued by the Kerala Financial Corporation, are chargeable under the said Act.

[No. 9/73-Stamps/F. No. 471/2/73-Cus. VII]

K. SANKARARAMAN, Under Secy.

### (बैंकिंग विभाग)

नई दिल्ली, दिनांक 23 फरवरी, 1973

फा. आ. 704.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 9 की उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार 23 फरवरी 1973, से एतदुपाय सारणी के स्तम्भ 2 में विनिर्दिष्ट व उसके स्तम्भ 1 में विनिर्दिष्ट चार क्षेत्रों में से प्रत्येक के लिए एक स्थानीय बोर्ड को गठित करने के प्रयाजन के लिए, सदस्यों को नियुक्त करती है।

### सारणी

क्षेत्र	सदस्यों के नाम
1	2
1. पश्चिमी क्षेत्र	1. आचार्य एम० एल० दाम्यन्त, अध्यक्ष, एशियाटिक चारल फाइनन्स कार्पोरेशन लि०, धनराज महल, प्रथम मंजिल, छत्रपति शिवाजी महाराज मार्ग, बम्बई-1 श्री० आर०
	2. श्री के सी० मैत्र, अध्यक्ष, गेस्ट कीन विलियम्स लि०, "रुशीला" कार्पोरेट रोड, बम्बई-26
	3. श्री चार्ल्स एम० कोरीया, आर्किटेक्ट, 249, दादाभाई नौरोजी रोड, बम्बई-1
2. पूर्वीय क्षेत्र	1. श्री ए० एन० हुक्मर, अध्यक्ष, इंडिया टूल्स कंपनी लि०। 37, चौरंगी, कलकत्ता-16
	2. डा० महाशिव मिश्र, आचार्य अर्थशास्त्र, गवर्नमेन्ट कॉलेज, कटक
	3. श्री श्री० शास्त्री, चार्टर्ड एकाउंटेंट, मारफन मैगर्स रे एण्ड रे, चार्टर्ड एकाउंटेंट्स 5, बर्ब लेन, कलकत्ता-1
3. उत्तरीय क्षेत्र	1. डा० भरत राम, अध्यक्ष एवं प्रबंध निदेशक, देहली क्लाइमेट एण्ड जनरल मिल्स कंपनी लि० 25, मन्दाप पटेल रोड, नई दिल्ली-21
	2. श्री के० एन० सपू, अध्यक्ष, दि नेशनल स्मोल इंडस्ट्रीज कार्पोरेशन लि०, ब्रोडला इंडस्ट्रीयल एस्टेट, नई दिल्ली-20
	3. श्री प्रेम पन्थी, निदेशक एवं मुख्य भवन्य प्रबंधक, मेटल बोक्स कंपनी आफ इंडिया लि०। 4 मन्दाप पटेल रोड, नई दिल्ली

क्षेत्र	सदस्यों के नाम	Area	Names of Members
1	2	1	2
4. दक्षिणी क्षेत्र	1. श्री सी० रामकृष्ण, अधिवक्ता 2, गार्डन रोड, मद्रास-10 2. श्री एम० बी० अरुणाचलम, प्रबन्ध निदेशक, ट्यूब इन्वेस्टमेंट्स आफ इंडिया लि० "चामुण्डेश्वरी बाग" 9, सन्थोम हाई रोड, मद्रास-4 3. श्री सी० आर० रामास्वामी, प्रोपराइटर, नागापटनम स्टील रोलिंग मिल्स, 2/3 कस्तूरीरंगा आर्यंगर रोड, मद्रास-18 4. श्री एम० के० रामचन्द्र, प्रबन्ध निदेशक, दि मैसूर वेजिटेबल आयल प्रो- डक्ट्स लि०, पोस्ट बॉक्स नं० 1202, बंगलूर-20	3. The Northern Area	3. Shri G. Saha, Chartered Accountant, C/O M/s. Ray & Ray, Chartered Accountants, 6. Church Lane, Calcutta-1. 1. Dr. Bharat Ram, Chairman and Managing Director, Delhi Cloth & General Mills Co. Ltd., 25, Sardar Patel Road, New Delhi-21. 2. Shri K. N. Sapru, Chairman, The National Small Indus- tries Corporation Ltd., Okhla Industrial Estate, New Delhi-20. 3. Shri Prem Pandhi, Director and Chief Co- ordination Manager, Metal Box Co. of India Ltd., 4. Sardar Patel Road, New Delhi.
		4. The Southern Area	1. Shri C. Ramakrishna, Advocate, 2, Garden Road, Madras-10. 2. Shri M. V. Arunachalam, Managing Director, Tube Investments of India Ltd., "Chamundeswari Baugh" 9, Senthom High Road, Madras-4. 3. Shri C. R. Ramaswamy, Proprietor, Nagapatnam Steel Rolling Mills, 2/3 Kasturiranga Iyengar Road, Madras-18. 4. Shri M. K. Ramachandra, Managing Director, The Mysore Vegetable Oil Products Ltd., Post Box No. 1202, Bengaluru-20.

सं० एफ० [9-1/9/72-बी० प्रो० आई० (1)]  
बी० एम० सुकथानकर निदेशक

(Department of Banking)

New Delhi, dated the 23rd February, 1973

**S.O. 704**—In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints, with effect from 23rd February, 1973, the members specified in column 2 of the table hereto annexed, to constitute the Local Board for each of the four areas specified in column 1 thereof:—

TABLE

Area	Names of Members
1	2
1. The Western Area	1. Prof. M. L. Dantwala, Chairman, Agricultural Finance Corpo- ration Limited, Dhanraj Mahal, 1st Floor, Chatrapati Shivaji Maharaj Marg, Bombay-1. B.R. 2. Shri K. C. Maitra, Chairman, Guest Keen Williams Ltd., "Rushilla" Carmichael Rd., Bombay-26. 3. Shri Charles M. Correa, Architect, 249, Dadabhai Naoroji Road, Bombay-1.
2. The Eastern Area	1. Shri A. N. Haksar, Chairman, India Tobacco Co. Limited, 37, Chowringhee, Calcutta-16. 2. Dr. Sadasiv Misra, Professor of Economics, Ravenshaw College, Cuttack.

D. M. SUKTHANKAR- Director  
[No.F.9-1/9/72-BOI-(1)]

का० प्रा० 705.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खंड (ख) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार 23 फरवरी 1973 से निम्नलिखित व्यक्तियों को भारतीय रिजर्व बैंक के निदेशकों के रूप में एतद्द्वारा नामनिर्दिष्ट करती है, अर्थात्:—

1. प्राचार्य एम० एल० दान्तवाला, पश्चिमीय क्षेत्र के लिए स्थानीय अध्यक्ष, एग्रीकल्चरल फाइनेन्स बोर्ड से कोरपोरेशन लि०, धनराज महल, प्रथम मंजिल, छत्तपति शिवाजी महाराज मार्ग, बम्बई-1 बी० आर०
2. श्री ए० एन० हक्सर, पूर्वीय क्षेत्र के लिए स्थानीय बोर्ड से अध्यक्ष, इन्डियन टूबाको कम्पनी लि०, 37, चौरंगी, कलकत्ता-16

3. डा० भरत राम उत्तरीय क्षेत्र के लिए स्थानीय  
अध्यक्ष एवं प्रबन्धक निदेशक,  
दिल्ली क्वाथ एण्ड जनरल मिल्स  
कंपनी लि०,  
25, मरदार पटेल मार्ग  
नई दिल्ली-21

4. श्री सी० रामकृष्ण, दक्षिणीय क्षेत्र के लिए स्थानीय  
प्रबन्धक बोर्ड से  
2, गार्डेन रोड, मद्रास-10

[सं० एक 9-19/72 बी०प्रो०आई (2)]

डी० एम० सुकथंकर, निदेशक

New Delhi, the 23rd February, 1973

**S.O. 705.**—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government the following persons to be the Directors of the Central Board of the Reserve Bank of India, namely:—

1. Prof. M. L. Dantwala, From the Local Board for the  
Chairman, Western Area.  
Agricultural Finance Corporation Ltd.,  
Dhanraj Mahal,  
1st Floor,  
Chhatrapati Shivaji Maharaj Marg,  
Bombay-1 B. R.

2. Shri A. N. Haksar, From the Local Board for the  
Chairman, Eastern Area.  
India Tobacco Co. Ltd.,  
37, Chowringhee,  
Calcutta-16.

3. Dr. Bharat Ram, From the Local Board for the  
Chairman & Managing Director, Northern Area  
Delhi Cloth & General Mills Company Ltd.,  
25, Sardar Patel Road,  
New Delhi-21.

4. Shri C. Ramakrishna, From the Local Board for the  
Advocate, Southern Area  
2, Garden Road,  
Madras-10.

[No. F. 9-1/9/72-BOI-(2)]

D. M. SUKTHANKAR, Director.

### केंद्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 22 दिसम्बर, 1973

### शुद्धि पत्र

**का. आ. 706.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय प्रत्यक्ष कर बोर्ड, अपनी अधिसूचना सं. (फा. सं. 187/25/72-आई. टी. (ए. आई.)), तारीख 14-11-1972 से संलग्न अनुसूची में एतद्वारा निम्नलिखित संशोधन करती है।

(1) उससे संलग्न अनुसूची के स्तंभ 1 के अन्तर्गत, क्रम सं. 10 के सामने, बंगलोर-1 के स्थान पर मैसूर-1 पढ़ें।

(2) उससे संलग्न अनुसूची के स्तंभ 1 के अन्तर्गत, क्रम सं. 10-क के सामने, बंगलोर-2 के स्थान पर मैसूर-2 पढ़ें।

सं. 246 [फा. सं. 187/25/72-आई. टी. (ए. आई.)]

बी. माधवन, अवर सचिव

### CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 22nd December, 1972

### CORRIGENDUM

**S.O. 706.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 220 (F. No. 187/25/72-IT(AI)), dated 14-11-1972.

1. Against S. No. 10, under column 1 of the Schedule appended thereto for Bangalore-1 read Mysore I.

(2) Against S. No. 10-A, under column 1 of the Schedule appended thereto for Bangalore-2 read Mysore 2.

No. 246 [F. No. 187/25/72-IT(AI)]

B. MADHAVAN, Under Secy.

### शुद्धि पत्र

नई दिल्ली, 12 जनवरी, 1973

**का. आ. 707.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं. 223 [(फा. सं. 187/25/72-आई. टी. (ए. आई.))] तारीख 14-11-1972 को एतद्वारा निम्नानुसार उपान्तरित करता है:—

क. सं. 21 के सामने, स्तम्भ 2 के अन्तर्गत,  
आयकर आयुक्त, पश्चिमी बंगाल-5, कलकत्ता,  
आयकर आयुक्त, पश्चिमी बंगाल-6, कलकत्ता,  
आयकर आयुक्त, उड़ीसा, भुवनेश्वर।

के स्थान पर—

आयकर आयुक्त, पश्चिमी बंगाल-5, कलकत्ता  
आयकर आयुक्त, पश्चिमी बंगाल-6, कलकत्ता

पढ़ें।

[सं. 266 (फा. सं. 187/25/72-आई. टी. (ए. आई.))]

बी. बी. श्रीनिवासन, अवर सचिव।

### CORRIGENDUM

New Delhi, the 12th January, 1973

**S.O. 707.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby modifies its notification No. 223 (F. No. 187/25/72-IT(AI)), dated 14-11-1972 as under:—

Against S. No. 21, under column 2,

For—CIT, West Bengal-V, Calcutta,  
CIT, West Bengal—VI, Calcutta,  
CIT, Orissa, Bhubaneswar.

Read—CIT, West Bengal-V, Calcutta,  
CIT, West Bengal-VI, Calcutta,

[No. 266 (F. No. 187/25/72-IT(AI))]

V. B. SRINIVASAN, Under Secy.

### केंद्रीय उत्पाद व सीमा-शुल्क समिति

कानपुर, 16 फरवरी, 1973

**का. आ. 708.**—केंद्रीय उत्पाद शुल्क नियम, 1944 के नियम 233 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा निर्देश देता हूँ कि केंद्रीय उत्पाद शुल्क नियम 1944 के अध्याय 7-ए में निर्धारित तथा भारत सरकार की अधिसूचना सं. 171/69-क. उ.शु. दिनांक 21.6.69, 121/70-क. उ.शु. दिनांक 28.5.70, 179/71-क. उ.शु. दिनांक 23.9.71, 195/71-क. उ.शु. दिनांक 12.11.71 तथा 117/

72 दिनांक 25.3.72 द्वारा अधिसूचित स्वनिर्धारण पर निकासी का कार्य विधि के अन्तर्गत कार्य करने वाले कानपुर समाहर्ता के केंद्रीय उत्पाद शुल्क लगाने योग्य माल के सभी निर्धारिती, बजट दिवस के एक दिन पहले वाले दिन (अर्थात् 27 फरवरी 1973) 6 बजे सायंकाल के शीघ्र बाद अपने रेंज के कार्य प्रभारी अधिकारी को इस अधिसूचना के स्लॉग फॉर्म में एक घोषणा प्रस्तुत करेंगे तथा उसकी एक प्रति लिपि उचित अधिकारी को भी भेजेंगे।

घोषणा में—

(क) निर्धारिती द्वारा उस दिन (अर्थात् 27 फरवरी, 1973) सायंकाल 6 बजे तक जारी किये गये अन्तिम गेट पास (जी. पी.-1, जी. पी.2) का नम्बर,

(ख) उस दिन (अर्थात् 27 फरवरी, 1973) 6 बजे सायंकाल निर्धारिती के पास रहने वाले माल का इतिशेष, अंतीर्वट्ट होगा।

2. जहां पर निर्माणियां रेंज मुख्यालय में या उसके पास स्थित हैं उपरोक्त घोषणा निर्धारिती द्वारा रेंज कार्यालय में लिखित पावती प्राप्त करने पर हाथ द्वारा दी जायेगी। दूसरे निर्धारिती जो रेंज कार्यालय से दूर स्थित हैं अपनी घोषणा हाथ द्वारा अथवा उसी दिन भेजें गये तार द्वारा करेंगे।

#### अनुबन्ध

स्वनिर्धारण पर निकासी की कार्यविधि के अन्तर्गत कार्य कर रहे निर्धारिता द्वारा बजट के एक दिन पहले वाले दिन स्टॉक इत्यादि की घोषणा

1—अनुज्ञापित धारो का नाम

2—अनुज्ञापित 4(एल. 4) की संख्या

3—वस्तु

मैं/हम (एल. 4) द्वारा घोषणा करता हूँ/करते हैं कि मेरे/हमारे द्वारा (तारीख) को 6 बजे शाम को फॉर्म जी. पी. 1, जी. पी. 2 में जारी किये गये पास (पासों) की क्रम संख्या और उत्पाद शुल्क योग्य निर्मित माल का इतिशेष निम्नलिखित था।

माल का नाम वॉरिफ अन्तिम जी.पी.1/जी.पी.2 स्टॉक में सूची में उनके क्रमांक की क्रम संख्या उत्पाद शुल्क के साथ लगाने योग्य माल का

इतिशेष (गा. र. 1)(आर.जी. 1) के अनुसार

प्रमाणित किया जाता है कि ऊपर किये गये विवरण सही हैं।

स्थान निर्धारिती अथवा उसके अधिकृत अधिकर्ता के हस्ताक्षर तारीख

भारत सरकार के वार्षिक/पूरक बजट के प्रस्तुत किये जाने के एक दिन पहले वाले दिन अधीक्षक/सहायक समाहर्ता केंद्रीय उत्पाद शुल्क को दिनांक - - - - - को - - - - - बजे किया गया।

[सं. 4/73 के. उ. शु.]

ज्योतिर्मय दत्त, समाहर्ता

#### COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE

(Central Excise Collectorate)

Kanpur, the 16th February, 1973

S.O. 708.—In exercise of the powers conferred on me by Rule 233 of the Central Excise Rules, 1944 I hereby direct that all assesses of excisable goods in Kanpur Collectorate working under Self Removal Procedure as laid down in Chapter VII-A of the Central Excise Rules, 1944 and notified under Government of India's Notification No. 171/69-CE, dated 21-6-1969; 121/70-CE, dated 28-5-1970; 179/71-CE, dated 23-9-1971; 195/71-CE, dated 12-11-1971 and 117/72, dated 5-3-1972 shall file immediately after

6 P.M. on the day prior to the Budget Day (i.e. the 27th February, 1973) a declaration with the Range Officer, in-charge of their range with a copy to the proper Officer in the form appended to this notification. The declaration shall contain—

(a) The number of last gate pass (G.P. 1 and G.P. 2), issued by the assessee upto 6 P.M. on that day viz. 27th February, 1973.

(b) The closing balance of stocks held by the assessee at 6 P.M. on that day, viz., 27th February, 1973.

2. The above declaration shall be furnished by the assesses by hand in the Range Office against a written acknowledgement where the factories are located at or near the Range Headquarters. Other assesses who may be situated far away from the Hd. qtrs. of the Range Officer may send their declaration either by hand or through telegram despatched on the same day.

#### ANNEXURE

#### DECLARATION OF STOCK ETC. ON PRE-BUDGET DAY BY A MANUFACTURER WORKING UNDER SELF REMOVAL PROCEDURE

1. Name of Licensee.
2. L. Licence No.
3. Commodity.

I/We hereby declare that the Serial Number of last gate pass (es) in form G.P. 1/G.P. 2 issued by me/us and the balance in hand of the excisable goods manufactured by me/us (date)-----at 6 P.M. was/were as under:—  
Name of goods Sl. No. of last Closing balance of with tariff G.P. 1/G.P. 2 excisable goods in stock Item No. as per R.G. 1.

Certified that the particulars given above are correct.

Place-----  
Date-----

Signature of the assessee or his authorised agent.

\*One day prior to the presentation of annual/Supplementary budget of the Union Govt.

Handed over to Superintendent/Asstt. Collector of Central Excise on----- at -----

[No. 4/73-Central Excise]

J. DATTA, Collector.

#### वाणिज्य मंत्रालय भारत

नई दिल्ली, 10 मार्च, 1973

का. प्रा. 709.—यतः केंद्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. प्रा. 1270, तारीख 25 मार्च, 1966 में भारत के निर्यात व्यापार के विकास के लिए नीचे दी गई रीति से संशोधन करना आवश्यक और समीचीन है:

और यतः केंद्रीय सरकार ने इसके लिए निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) द्वारा यथा अपेक्षित प्रस्ताव निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः अब, उक्त उप-नियम के अनुसरण में केंद्रीय सरकार एतद्-द्वारा उक्त प्रस्ताव उससे संभावित प्रभावित होने वाले लोगों की जानकारी के लिए प्रकाशित करती है।

2. एतद्द्वारा सूचना दी जाती है कि जो व्यक्ति उक्त प्रस्ताव के बारे में कोई आक्षेप या सुझाव देना चाहे, वह उसे इस आदेश के राज पत्र में प्रकाशन की तारीख से तीस दिन के भीतर निर्यात निरीक्षण परिषद्, 'वर्ल्ड ट्रेड सेंटर', 14/1-बी, एजरा स्ट्रीट (8वीं मंजिल), कलकत्ता-1 को भेज सकता है।

## प्रस्ताव

भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं० का० प्रा० 1270, तारीख 25 मार्च, 1966 में निम्नलिखित रूप से संशोधन किया जाएगा, अर्थात्:—

उक्त अधिसूचना की अनुसूची में, क्रम संख्या 21 तथा तत्संबंधी प्रविष्टि के पश्चात्, निम्नलिखित जोड़ा जाएगा, अर्थात्:—

“22. अमोनियम अलुम।

23. पोटाश अलुम।”

[सं० 6(35)-ई० आई० एण्ड ई० पी०]

मु० कु० ब० भटनागर, उपनिदेशक  
(निर्यात संवर्धन)

## MINISTRY OF COMMERCE

## ORDER

New Delhi, the 10th March, 1973

S.O. 709.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary or expedient so to do for the development of the export trade of India to amend the notification of the Government of India in the late Ministry of Commerce, No. S.O. 1270 dated 25th March, 1966 in the manner specified below:

And whereas the Central Government has forwarded the proposal in that behalf to the Export Inspection Council, as required by Sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within thirty days from the date of publication of this order in the official Gazette to the Export Inspection Council, “World Trade Centre”, 14/1B, Ezra Street (7th floor), Calcutta-1.

## Proposal

The notification of the Government of India in the late Ministry of Commerce, No. S.O. 1270 dated 25th March, 1966 shall be amended as follows, namely:

In the Schedule to the said notification, after serial number 21 and the entry relating thereto, the following shall be added namely:

“22. Ammonium Alum

23. Potash Alum.”

[No. 6 (35)/72-EI&EP]

M.K.B. BHATNAGAR, Deputy Director  
(Export Promotion)

## (मुख्य निबंधक, आयात-निर्यात का कार्यालय)

## आदेश

नई दिल्ली, 10 फरवरी, 1973

का. आ. 710.—सर्वश्री युगधर्म हिन्दी दैनिक, मालिक नरकेशरी प्रकाशन लि० श्रीनाथ की तलैया, महुताल, जबलपुर को हिन्दी छपों के साथ लिनोटाइप कंपोजिंग मशीन के आयात के लिए अनुलिपि लाइसेंस सं० सी०-246/1696-697 12-9-72 प्रदान किया गया था (उन्से मूल लाइसेंस सं० पी/ए/1215-877 दिनांक 6-12-69 खो गया था) सर्वश्री श्री नरकेशरी प्रकाशन लि०, नागपुर ने उपर्युक्त अनुलिपि लाइसेंस को रद्द करने के लिए समर्पित कर दिया है। उपर्युक्त लाइसेंस को रद्द कर दिया गया है।

[संख्या:—1-आई/67-5/67-68/एन पी सी/ए/आई]

सरद्वल सिंह, उप मुख्य नियंत्रक  
रुते मुख्य नियंत्रक,

## (Office of the Chief Controller of Imports &amp; Exports)

## ORDER

New Delhi, the 16th February, 1973

S. O. 710.—M/s. Yugadharma Hindi Daily, Prop. Narakesari Prakashan Ltd., Shri Nathk i Talaiya, Madhatal, Jabalpur were granted Duplicate licence No. D-2461696-697 dated 12-9-72 (original licence lost by them bearing No. P/A/1215877 dated 6-12-69) for the import of Linotype Composing machine with Hindi Matrices. M/s. Shri Narakesari Prakashan Ltd., Nagpur have surrendered the above mentioned duplicate licence for cancellation. The above mentioned licence has been cancelled.

[No. 1—Y/67-V/67-68/NPCIA]

SARDUL SINGH, Dy. Chief Controller  
for Chief Controller of imports

## आदेश

नई दिल्ली, 28 फरवरी, 1973

का. आ. 711.—यथा संशोधित, आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए अधोहस्ताक्षरी, भारत का उर्वरक निगम लि., योजना तथा विकास प्रभाग, डाकखाना सिन्दरी, जिला, धनबाद को 68,29,000 रु. (छियासठ लाख, उन्नतीस हजार रु. मात्र) के लिए जारी किए गए आयात लाइसेंस सं. जी/ए/1047542/आर/एम एल/41/एच/33-34 दिनांक 30-11-1971 की मूद्रा विनिमय नियंत्रण प्रतीति को एतद् द्वारा रद्द करता हूँ। लाइसेंस की मूल मूद्रा विनिमय का 40,00,000 रु. (चालीस लाख रु. मात्र) के लिए प्रयोग कर लिया गया था।

2. रद्द करने का कारण यह है कि लाइसेंस की मूद्रा विनिमय नियंत्रण प्रतीति खो गई/अस्थानस्थ हो गई है और उन्होंने इसी के बदले अनुलिपि लाइसेंस जारी करने के लिए आवेदन किया है।

[सं. सी जी-2/पी सी एम एम(3)/71-72]

## ORDER

New Delhi, the 20th February, 1973

S.O. 711.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, dated 7-12-1955 as amended, the undersigned hereby cancels, Exchange Control Copy of the Licence No. G/A/1047542/R/ML/41/H/33-34, dated 30-11-1971, for Rs. 66,29,000 (Sixty six lakhs and Twenty Nine Thousand only) issued to the Fertilizer Corporation of India Ltd., Planning & Development Division, P.O. Sindri, District Dhanbad. The Original Exchange Control Copy of the licence was utilised for Rs. 40,00,000 (Forty lakhs only).

2. The reason for the cancellation is that the Exchange Control Copy of the licence has been lost/misplaced by the licensee who has requested for the issue of a duplicate licence in lieu thereof.

[No. CG II/PCMM(111)/71-72]

का. आ. 712.—यथा संशोधित, आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए अधोहस्ताक्षरी सर्व श्री भारत का उर्वरक निगम लि., योजना तथा विकास प्रभाग, डाकखाना सिन्दरी, जिला, धनबाद को 14,89,000 रु. (चौदह लाख नवासी हजार रुपये मात्र) के लिए जारी किए गए लाइसेंस सं. जी/सी जी/2028600/टी/बी एल/40/एच/33/सी. जी-2 दिनांक 1-10-71 की सीमाशुल्क निकासी प्रतीति की अनुलिपि के रूप में जारी किए गए लाइसेंस सं. डी/2461785 दिनांक 15-9-72 को एतद् द्वारा रद्द करता हूँ। लाइसेंस की मूल सीमाशुल्क निकासी प्रतीति का उपयोग नहीं किया गया था।

2. रद्द करने का कारण यह है कि लाइसेंसधारी ने यह सूचना दी है कि लाइसेंस की सीमाशुल्क निकासी प्रति उनसे अपहरण कर ली गई है और अब उसके बदले लाइसेंस की अनुलिपि जारी करने के लिए आवेदन किया है।

[सं. सी जी 2/पी सी एम एम(81)/71-72]

एन. सी. कन्जीलाल, उप मुख्य नियंत्रक  
कृत मुख्य नियंत्रक

#### ORDER

**S.O. 712.**—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955 dated 7-12-1955 as amended, the undersigned hereby cancels Licence No. D/2461765, dated 15-9-1972 issued as duplicate copy of the Customs Purposes Copy of the Licence No. G/CG/2028600/T/BL/40/H/33/CG II, dated 1-10-1971 for Rs. 14,89,000 (Fourteen Lakhs, Eighty Nine Thousand only) issued to Messrs. Fertilizer Corporation of India Ltd., Planning & Development Division, P.O. Sindri, District Dhanbad. The original Customs Purposes copy of the licence was not utilised.

2. The reason for the cancellation is that the Licence have reported that they have been robbed of the Customs Copy of the Licence and have now requested for the issue of a duplicate licence in lieu thereof.

[No. CG II/PCMM(81)/71-72]

N. C. KANJILAL,  
Dy. Chief Controller for Chief Controller.

#### औद्योगिक विकास मंत्रालय

नई दिल्ली, 2 मार्च, 1973

**का. आ. 713—ऑ. वि. वि./अ./6/1/73.**—विकास परिषद् (प्रक्रियात्मक) नियम, 1952 के नियम 8 के साथ पीठस, उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 85) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री एम. सुब्रमणियम के स्थान पर श्री एम. एस. ग्रोवर, विकास अधिकारी (रसायन), तकनीकी विकास महानिदेशालय, नई दिल्ली, का 28 नवम्बर, 1974 तक, जिसमें वह विन भी सम्मिलित है, की अवधि के लिए अकादमिक रसायन उद्योग विकास परिषद् के सदस्य के रूप में नियुक्त करती है और उक्त नियमों के नियम 2 के खण्ड (ग) के अनुसरण में, उक्त परिषद् के सचिव के कृत्य करने के

#### भारतीय मानक संस्था

नई दिल्ली, 23 फरवरी, 1973

**का. आ. 714.**—तीसरे जिन प्रमाणन मुहर लाइसेंसों के ध्यारे अनुसूची में दिए गए हैं या तो वे रद्द हो गए हैं अथवा उनका नवीकरण स्थगित कर दिया गया है।

#### अनुसूची

क्रम संख्या	लाइसेंस संख्या तथा जारी करने की तिथि	लाइसेंसधारी का नाम और पता	वस्तु/प्रक्रिया और तत्संबंधी पदनाम	एस आर संख्या तथा लाइसेंस स्वीकृति छपने वाले गजट की तिथि	विवरण
(1)	(2)	(3)	(4)	(5)	(6)
1.	सी एम/एस-124 21-5-1959	वैस्टने इंडिया प्लास्टर लि०, प्लास्टर के बलियापाटम, कन्नौर, जिला (केरल)	तश्ते- आई एस : 10-1970	एस आर 1335 दिनांक 13-6-1959	इस लाइसेंस का नवीकरण 31-5-1967 के बाद स्थगित कर दिया गया था अब वह उसी तिथि से रद्द हो गया है।
2.	सी एम/एस-133 15-7-1959	द्रावनकोर शुगर एंड कैमिकल्स लि०, तिरुवल्ला, द्रावनकोर संदल	परिशोधित स्पिरिट आई एस : 323-1959	एस आर 1694 दिनांक 1-8-1959	इस लाइसेंस का नवीकरण 15-6-1968 के बाद स्थगित कर दिया गया था अब उसी तिथि से रद्द हो गया है।

लिए नियुक्त करती है, तथा औद्योगिक विकास मंत्रालय के आदेश सं. का. आ./4062/ऑ. वि. वि. अ./6/7/72, तारीख 29 नवम्बर, 1972 में निम्नलिखित संशोधन करती है, अर्थात् :—

(1) पैरा 1 में, क्रम संख्या 29 और उससे संबंधित प्रिविजिट के स्थान पर निम्नलिखित क्रम संख्या रखी जाएगी, अर्थात् :—

“29 श्री एम. एस. ग्रोवर, विकास अधिकारी (रसायन), तकनीकी विकास महानिदेशालय, नई दिल्ली।”

(2) पैरा 2 में “श्री एम. सुब्रमणियम, सहायक विकास अधिकारी” शब्दों के स्थान पर “श्री एम. एस. ग्रोवर, विकास अधिकारी (रसायन)” शब्द और कोष्ठक रखे जाएंगे।

[सं. 15(7)/71-एस सी]

एस. ए. टी. रिजवी, अवर सचिव

#### MINISTRY OF INDUSTRIAL DEVELOPMENT

New Delhi, 2nd March, 1973.

**S.O. 713 [IDRA/6/73].**—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri M. S. Grover, Development Officer (Chemicals), Directorate General of Technical Development, New Delhi, as a member of the Development Council for Inorganic Chemical Industries, vice Shri M. Subramaniam, for a period of up to and inclusive of the 28th November, 1974, and appoints him, in pursuance of clause (c) of rule 2 of the said rules, to carry on the functions of Secretary to the said Council, and makes the following amendments in the Order of the Ministry of Industrial Development No. S.O. 4062 IDRA/6/7/72, dated the 29th November, 1972, namely :—

(i) In paragraph 1, for serial No. 29 and the entry relating thereto, the following serial No. shall be substituted, namely :—

“29. Shri M. S. Grover, Development Officer (Chemicals), Directorate General of Technical Development, New Delhi.”;

(ii) In paragraph 2, for the words “Shri M. Subramaniam, Assistant Development Officer”, the words and brackets “Shri M. S. Grover, Development Officer (Chemicals)” shall be substituted.

[No. 15(7)/71-LC]

S. A. T. RIZVI, Under Secy.

(1)	(2)	(3)	(4)	(5)	(6)
3. सी एम/एल-1102 18-6-1965	ईस्ट एशियाटिक कं० (इं) प्रा० लि०, 18-आल्ब्राय मुनाली स्ट्रीट, टोडियारपेट, मद्रास	पशुओं के लिए मिश्रित आहार IS: 2052-1968	एस ओ 2403 दिनांक 31-7-1965	इस लाइसेंस का नवीकरण 30-6-1966 के बाद स्थगित कर दिया गया था अब वह उसी तिथि से रद्द कर दिया गया है।	
4. सी एम/एल-1217 28-2-1966	यूनाइटेड काफी सप्लाय कं० लि०, 6/9 लिची रोड, कोयम्बटूर	धूलनशील काफी पाउडर IS: 2791-1964	एस ओ 851 दिनांक 19-3-1966	इस लाइसेंस का नवीकरण 29-2-1968 के बाद स्थगित कर दिया गया था अब वह उसी तिथि से रद्द हो गया है।	
5. सी एम/एल-1365 14-12-1966	वि मोदी टाच वक्स, मोदीनगर, मेरठ (उ०प्र०)	फलीन-लाइट—IS: 2083-1962	एस ओ 243 दिनांक 21-1-1967	15-12-1972 के बाद रद्द	
6. सी एम/एल-1399 28-3-1967	भारत मिनरल्स एण्ड कैमिकल्स कं०, ट्रांसपोर्ट डिपो रोड, कलकत्ता	बी एच सी धूलन पाउडर— IS: 561-1962	एस ओ 1039 दिनांक 1-4-1967	इस लाइसेंस का नवीकरण 28-2-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
7. सी एम/एल-1541 9-10-1967	शॉ बैलेस एण्ड कं० लि०, 84-इंडस्ट्रियल सबर्ब, बंगलोर	मुगियों का चुग्गा—IS: 1374-1968	एस ओ 4258 दिनांक 9-12-1967	इस लाइसेंस का नवीकरण 15-4-1968 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
8. सी एम/एल-1577 1-12-1967	सेट्रोपोल इंडस्ट्रीज जिला धनबाद (बिहार)	बी एच सी पायसनीय तैज चूर्ण IS: 632-1966	एस ओ 284 20-1-1968	लाइसेंस का नवीकरण 31-5-1969 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
9. सी एम/एल-1601 1-1-1968	ए० मैसमाइयर जू० (इंडिया) प्रा० लि०, ग्रांड सर्वेन ट्रंकरोड, मद्रास	कस्तूरी एम्पेट—IS: 3131-1965	एस ओ 684 दिनांक 24-2-1968	31-12-1972 के बाद रद्द	
10. सी एम/एल-1602 1-1-1968	„ „	कस्तूरी जालोल—IS: 3145-1965	एस ओ 684 दिनांक 24-2-1968	31-12-1972 के बाद रद्द	
11. सी एम/एल-1888 6-1-1969	श्री लक्ष्मी मैन्यु० सेंटर, गोपाल साल सेठ लेन, संतरा गाछी, हावड़ा	डोर क्लोजर (द्रव नियंत्रित)— IS: 3564-1970	एस ओ 720 दिनांक 22-2-1969	इस लाइसेंस का नवीकरण 31-12-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
12. सी एम/एल-2058 26-8-1969	ईस्टर्न इलेक्ट्रिकल कं० प्रा० लि०, 26/22 ऐरोड्रोम रोड, सिंगनखूर डाकघर, कोयम्बटूर	तीन फेजी प्रेरण मोटर— IS: 325-1961	एस ओ 3930 दिनांक 27-9-1969	इस लाइसेंस का नवीकरण 29-2-1972 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
13. सी एम/एल-2162 4-12-1969	इंडो जापान स्टील्स लि०, 5-बी टी रोड, बैलूर हावड़ा (प० बंगाल)	संरचना इस्पात (मानक किस्म) के रूप में रि-रोलिंग के लिए कार्बन इस्पात के ब्लिटेड—IS: 2830- 1964	एस ओ 437 दिनांक 7-2-1970	इस लाइसेंस का नवीकरण 31-12-1970 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
14. सी एम/एल-2163 4-12-1969	„ „	संरचना इस्पात (साधारण किस्म) के रूप में रि-रोलिंग के लिए कार्बन इस्पात के ब्लिटेड—IS: 2831- 1964	एस ओ 437 दिनांक 7-2-1970	इस लाइसेंस का नवीकरण 31-12-1970 के बाद स्थगित कर दिया गया था अब वह उसी तिथि से रद्द हो गया गया है।	
15. सी एम/एल-2210 14-1-1970	ओरियंटल केमिक्स प्रा० लि०, प्लॉट नं० ए-7 एम आई डी सी कैमिकल जपन, अम्बरनाथ (महाराष्ट्र)	ताम्र प्राक्सीक्लोराइड अथ विस्जर्जनीय धूलन पाउडर IS: 1507-1966	एस ओ 771 दिनांक 28-2-1970	इस लाइसेंस का नवीकरण 15-1-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	

(1)	(2)	(3)	(4)	(5)	(6)
16. सी एम/एल-2321 13-5-1970	आपलाइफ कैमिकल्स प्रा० लि० 32-फोग्नोर रोड, हावड़ा	डायएल्ट्रिन पायमनीय तेज द्रव— आई एस : 1054-1962	एस ओ 2802 दिनांक 22-8-1970	इस लाइसेंस का नवीकरण 15-8-1972 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
17. सी एम/एल-2340 8-6-1970	प्रिफेक्ट पांटेरी क० (मध्य भारत) लि०, पश्चिमी रेलवे अस्पताल के समीप रतलाम (म०प्र०)	खवण कांशाम स्टोनवेयर पाइप और फिटिंग—आई एस : 651-1965	एस ओ 3429 दिनांक 24-10-1970	15-12-1972 के बाद रद्द	
18. सी एम/एल-2349 22-6-1970	नेशनल टाइल वर्क्स, 14-ए- नजफगढ़ रोड, नई दिल्ली	सूखा डिस्टेंस्पर—आई एस : 427-1965	एस ओ 3429 दिनांक 24-10-1970	इस लाइसेंस का नवीकरण 30-6-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि वह रद्द हो गया है।	
19. सी एम/एल-2449 4-11-1970	” ”	बीतरी इन्वैमल (क) नीचे परत देने का—(ख) बाँछिन रंग की फिनिश देने वाला— आई एस : 133-1965	एस ओ 3593 दिनांक 2-10-1971	इस लाइसेंस का नवीकरण 15-11-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
20. सी एम/एल-2465 30-11-1970	” ”	अर्धचमक देने के लिए बाहरी फिनिश का सैयार मिश्रित रंग रोगन—आई एस : 117-1964	एस ओ 3593	इस लाइसेंस का नवीकरण 30-11-1971 के बाद स्थगित कर दिया गया था अब वह उसी तिथि से रद्द हो गया है।	
21. सी एम/एल-2468 30-11-1970	नेशनल टाइल वर्क्स, 14-ए- नजफगढ़ रोड, नई दिल्ली	रोक बनाने के लिये सीमेंट का समेकित मसाला IS:2645— 1964	एस ओ 3593 दिनांक 20-10-1972	इस लाइसेंस का नवीकरण 30-11-1971 के बाद स्थगित कर दिया गया था अब उसी तिथि से वह रद्द हो गया है।	
22. सी एम/एल-2521 27-1-1971	वेस्टर्न इंजुलेटेड केबल्स लि०, हेनले हाउस, हडाप्सर इंड- स्ट्रियल इस्टेट, शोलापुर रोड, पूना-13	सभी एल्युमिनियम चालक और ए सी एस आर चालक IS:398-1961	एस ओ 5028 दिनांक 6-11-1971	31-12-1972 के बाद रद्द	
23. सी एम/एल-2522 27-1-1971	वेस्टर्न इंजुलेटेड केबल्स लि०, हेनले हाउस, हडाप्सर इंडस्ट्रियल इस्टेट, शोला- पुर रोड, पूना-13	ताँबा और एल्युमिनियम चालकों वाले रबड़ रोधित केबल IS:434(भाग 1 और 2)-1964	एस ओ 5028 दिनांक 6-11-1971	31-12-1972 के बाद रद्द	
24. सी एम/एल-2523 27-1-1971	” ”	ताँबा और एल्युमिनियम चालकों वाले पी वी सी एल्युमिनियम केबल— IS:694(भाग 1 और 2)- 1964	” ”	31-12-1972 के बाद रद्द	
25. सी एम/एल-2524 27-1-1971	वेस्टर्न इंजुलेटेड केबल्स लि०, हेनले हाउस, हडाप्सर इंडस्ट्रियल इस्टेट, शोलापुर रोड, पूना-13	1100 वोल्ट तक कार्यकारी वोल्टता वाले पी वी सी रोधित (भारी इम्प्टी) बिजली के केबल— IS:1554(भाग 1)-1964	एस ओ 5028 दिनांक 6-11-1971	31-12-1972 के बाद रद्द	
26. सी एम/एल-2525 27-1-1971	” ”	पोलीथीन रोधित और पी वी सी खोलवाले केबल, इक- हरीकोर तथा दुहरे जपटे, एल्युमिनियम चालकों वाले— IS:1596-1962	” ”	31-12-1972 के बाद रद्द	



(1)	(2)	(3)	(4)	(5)	(6)
27. सी एम/एल-2526 27-1-1971	,, ,,	पोलीइथाइलीन रोहित धौर पोलीइथाइलीन खोलवाले केवल, इकहरी कोर, 250/ 440 बो ग्रेड, एल्युमिनियम बालकों वाले- IS:3035(भाग 3)-1967	,, ,,	31-12-1972	के बाद रह
28. सी एम/एल-2677 7-5-1971	दि प्लांट प्राटेक्शन प्रोडक्ट्स प्रा०लि०, कोडाबलुरु, नेल्होर जिला	एल्ट्रान पायसनीय तेज द्रव- IS:1307-1958	एस ओ 5027 दिनांक 6-11-1971	15-11-1972	के बाद रह
29. सी एम/एल-67 7-2-1958	बुडकाफ्ट प्राडक्ट्स लि०, डाकबर जयपुर जिला लक्ष्मीपुर(ऊपरी भ्रसम)	जाय की पेटियों के लिए प्लाइवुड के तख्ते- IS:10-1970	एस ओ 136 दिनांक 1-3-1958	31-12-1972	के बाद रह
30. सी एम/एल-213 25-8-1960	प्लाइवुड मैनु०कोफ्रापरेटिव सोसायटी लि०, 11-3ए कैनाल सर्कुलर रोड, कलकत्ता-4	जाय की पेटियों के लिए प्लाइवुड के तख्ते- IS:10-1970	एस ओ 2209 दिनांक 10-9-1960	31-12-1972	के बाद रह
31. सी एम/एल-245 28-11-1960	टिपको, दि इंडस्ट्रियल प्ला- स्टिक कारपोरेशन लि०, 14-हमाम स्ट्रीट, बम्बई-1	इसाई के लिए फेनोलिक सामग्री IS:1300-1966	एस ओ 2958 दिनांक 10-12-1960	15-12-1972	के बाद रह
32. सी एम/एल-1811 14-10-1968	ऐल्बयन प्लाइवुड डिजीजन (मालिक:भारत प्रोवाइसीज प्रा०लि० 24-परगना, कालीपुर बजबज	लकड़ी के समतल कपाट (ठोस भाग वाले)- ऊपर प्लाइवुड लगे- IS:2202(भाग 1)-1966	एस ओ 4257 दिनांक 30-11-1968	15-10-1972	के बाद स्थागित
33. सी एम/एल-2147 26-11-1969	प्रोसवाल इलेक्ट्रिकल्स, 49-इंड- स्ट्रियल एरिया, फरीदाबाद (हरयाणा)	तीन फेजी प्रेरण मोटर- IS:325-1961	एस ओ 5045 दिनांक 27-12-1969	30-11-1972	के बाद स्थागित
34. सी एम/एल-2461 30-11-1970	योगीराज केमिकल्स लेबोरेटरीस, गिल रोड, मिलरगंज, लुधियाना-3	गलतियाँ ठीक करने का द्रव- IS:4175-1967	एस ओ 3593 दिनांक 2-10-1971	30-11-1972	के बाद स्थागित
35. सी एम/एल-2800 5-11-1971	हिन्दुस्तान टिम्बर सिंडीकेट, इंडस्ट्रियल इस्टेट कठुआ (जम्मू व कश्मीर)	जाय की पेटियों के लिए प्लाइवुड की पट्टियाँ- IS:10-1970	एस ओ 403 दिनांक 5-2-1972	15-11-1972	के बाद स्थागित
36. सी एम/एल -2815 25-11-1971	मेटल फेब्री केटर्स एण्ड प्रिंटर्स, लखानी बीधा, बमौल पटना (बिहार)	जाय की पट्टियों के लिए घातु के फिटिंग- IS:10-1970	एस ओ 403 दिनांक 5-2-1972	30-11-1972	के बाद स्थागित
37. सी एम/एल-2837 13-12-1971	हिन्दुस्तान कंक्रिट एण्ड एलहाड इंडस्ट्रीज, बाँकाबादा डाकघर जयपुरी पटना	शिरोपरि पावर बहन धौर दूर-संचारण लाइनों के लिए पूर्व-प्रबलित कंक्रिट के खम्भे- IS:1678-1960	एस ओ 2769 दिनांक 7-10-1972	15-12-1972	के बाद स्थागित
38. सी एम/एल-2855 30-12-1971	वेनियर मिल्स प्रा०लि०, सूर्यग्राम तिनसुखिया (भ्रसम)	ब्लाक-बोर्ड- IS:1659-1969	एस ओ 2769 दिनांक 7-10-1972	31-12-1972	के बाद स्थागित

[सं० सी० एम० डी०/13:14]

ए० बी० राव, निदेशक  
(सेंट्रल नॉक्स)

## (Indian Standards Institution)

New Delhi, the 23rd Feb. 1973

S. O. 714.—Certification Marks Licences, details of which are mentioned in the Schedule given hereafter, have lapsed or their renewals deferred:

## The Schedule

Sl. No.	Licence No. & Date of Issue	Name & address of the Licence	Article/Process and the Relevant IS: Designation	S.O. Number and date of Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-124 21.5.1959	Western India Plywood Ltd, Balliapattam, Cannanore Distt (Kerala)	Plywood panels-IS: 10-1970	S.O. 1355 dated 15.6.1959	Renewal was deferred after 31-5-1967; the licence now stands lapsed after that date.
2.	CM/L-133 15.7.1959	Travancore Sugars & Chemicals Ltd. Thiruvalla, Travancore Central.	Rectified spirit-IS: 325-1959	S.O. 1694 dt. 1.8.1959	Renewal was deferred after 15.6.1968; the licence now stands lapsed after that date.
3.	CM/L-1102 18.6.1955	East Asiatic Co (I) Pvt. Ltd, 18 Elaiya Mudali Street, Tondiarpet, Madras.	Compounded feeds for cattle-IS: 2052-1968	S.O. 2403 dated 31.7.1965	Renewal was deferred after 30.6.1966; the licence now stands lapsed after that date.
4.	CM/L-1217 28.2.1966	United Coffee Supply Co Ltd, 6/9 Trichy Road, Coimbatore	Soluble coffee powder-IS: 2791-1964	S.O. 851 dated 19.3.1966	Renewal was deferred after 29.2.1968; the licence now stands lapsed after that date.
5.	CM/L-1365 14.12.1966	The Modi Torch Works, Modinagar, Meerut (UP)	Flashlights-IS: 2083-1962	S.O. 243 dated 21.1.1967	Lapsed after 15.12.1972.
6.	CM/L-1399 28.2.1967	Bharat Minerals & Chemicals Co, Transport Depot Road, Calcutta.	BHC dusting powder-IS: 561-1962	S.O. 1039 dated 1.4.1967	Renewal was deferred after 28.2.1971; the licence now stands lapsed after that date.
7.	CM/L-1541 9.10.1967	Shaw Wallace & Co. Ltd., 84 Industrial Suburb, Bangalore	Poultry feeds-IS: 1374-1968	S.O. 4258 dated 9.12.1967	Renewal was deferred after 15.4.1968; the licence now stands lapsed after that date.
8.	CM/L-1577 1.12.1967	Metropole Industries, Pradhan-khunta, Distt Dhanbad (Bihar)	BHC emulsifiable concentrates-IS: 632-1966	S.O. 284 dated 20.1.1968	Renewal and deferred after 31.5.1969; the licence now stands lapsed after that date.
9.	CM/L-1601 1.1.1968	A Masohmeijer Jr. (India) Pvt. Ltd., Grand Southern Trunk Road, Madras.	Musk ambrette-IS: 31-1965	S.O. 684 dated 24.2.1969	Lapsed after 31.12.1972.
10.	CM/L-1602 1.1.1968	—Do—	Musk xylol-IS: 3145-1965	S.O. 684 dated 24.2.1968	Lapsed after 31.12.1972.
11.	CM/L-1888 6.1.1969	Sree Lakshmi Mfg. Centre Gopal Lal Seth Lane Santragachi, Howrah.	Door closers (hydraulically regulated)-IS: 3364-1970	S.O. 720 dated 22.2.1969	Renewal was deferred after 31.12.1971; the licence now stands lapsed after that date.
12.	CM/L-2058 26.8.1969	Eastern Electrical Co Pvt. Ltd, 26/22, Aerodrom Road Singanallur Post, Coimbatore.	Three-phase induction motors, IS: 325-1961	S.O. 3930 dt. 27.9.1969	Renewal was deferred after 29.2.1972; the licence now stands lapsed after that date.
13.	CM/L-2162 4.12.1969	Indo-Japan Steels Ltd., 5 G.T. Road, Belur, Howrah (W.B.)	Carbon steel billets for rerolling into structural steel (standard quality)-IS: 2830-1964	S.O. 437 dated 7.2.1970	Renewal was deferred after 31.12.1970; the licence now stands lapsed after that date.
14.	CM/L-2163 4.12.1969	—Do—	Carbon steel billets for re-rolling into structural steel (ordinary quality)-IS: 2831-1964	S.O. 437 dated 7.2.1970	Renewal was deferred after 31.12.1970; the licence now stands lapsed after that date.
15.	CM/L-2210 14.1.1970	Oriental Chemindus Pvt. Ltd, Plot No. A-7, MIDC Chemical Zone Ambarnath (Maharashtra)	Copper oxychloride WDPC-IS: 1507-1966	S.O. 771 dated 28.2.1970	Renewal was deferred after 15.1.1971; the licence now stands lapsed after that date.
16.	CM/L-2321 13.5.1970	Croplife Chemicals Pvt. Ltd, 32, Forsehere Road, Howrah.	Dioldrin emulsifiable concentrates-IS: 1054-1962.	S.O. 2802 dated 22.8.1970	Renewal was deferred after 15.8.1972; the licence now stands lapsed after that date.
17.	CM/L-2340 8-6-1970	Perfect Pottery Co. (Madhya Bharat) Ltd., Near Western Rly. Hospital, Ratlam (MP)	Salt-glazed stoneware pipes & fittings-IS: 651-1965	S.O. 3429 dated 24.10.1970	Lapsed after 15-12-1972.

(1)	(2)	(3)	(4)	(5)	(6)
18. CM/L-2349 22-6-1970	National Tile Works, 14-A, Najafgarh Road, New Delhi	Dry distemper— IS: 427-1965	S.O. 3429 24-10-1970	Renewal was deferred after 30-6-1971; the licence now stands lapsed after that date.	
19. CM/L-2449 4-11-1970	Do.	Enamel, interior (a) under-coating (b) finishing, colour as required—IS: 133- 1965	S.O. 3593 dated 2-10-1971	Renewal was deferred after 15-11-1971; the licence now stands lapsed after that date.	
20. CM/L-2465 30-11-1970	Do.	Ready mixed paint, brushing, finishing, exterior, semigloss —IS: 117-1964	S.O. 3593 dated 2-10-1971	Renewal was deferred after 30-11-1971; the licence now stands lapsed after that date.	
21. CM/L-2468 30-11-1970	Do.	Integral cement water- proofing compo- unds—IS: 2645-1964	Do.	Renewal was deferred after 30-11-1971; the licence now stands lapsed after that date.	
22. CM/L-2521 27-1-1971	Western Insulated Cables Ltd., 'Henley' House, Hadapsar Industrial Estate, Sholapur Road, Poona-13	All aluminium conduc- tors and ACSR conduc- tors—IS: 398- 1961	S.O. 5028 dated 6-11-1971	Lapsed after 31-12-1972	
23. CM/L-2522 27-1-1971	Western Insulated Cables Ltd., 'Henley' House, Hadapsar Industrial Estate, Sholapur Road, Poona-13	Rubber insulated cables with copper and alu- minium conductors IS: 434 (Parts I & II)-1964	S.O. 5028 dated 6-11-1971	Lapsed after 31-12-1972	
24. CM/L-2523 27-1-1971	Do.	PVC insulated cables with copper and aluminium conduc- tors—IS: 694 (Parts I & II)-1964	Do.	Lapsed after 31-12-1972	
25. CM/L-2524 27-1-1971	Do.	PVC insulated (heavy duty) electric cables for working voltages up to and including 1100 volts—IS: 1554- (Part I)-1964	Do.	Lapsed after 31-12-1972	
26. CM/L-2525 27-1-1971	Do.	Polythene insulated and PVC sheathed cables, single core and twin flat with aluminium conduc- tors—IS: 1596-1962	Do.	Lapsed after 31-12-1972	
27. CM/L-2526 27-1-1971	Do.	Polyethylene insulated and polythylene sheathed, single core, 250/440 volts grade with aluminium con- ductors—IS: 3035 (Part III)-1967	Do.	Lapsed after 31-12-1972	
28. CM/L-2677 7-5-1971	The Plant Protection Products Pvt. Ltd, Kodavaluru, Nellore Distt.	Aldrin emulsifiable concentrates— IS: 1307-1958	S.O. 5027 dated 6-11-1971	Lapsed after 15-11-1972	
29. CM/L-67 7-2-1958	Wood Craft Products Ltd, P.O. Jaypore, Distt Lakhimpur (Upper Assam)	Tea-chest plywood panels— IS: 10-1970	S.O. 136 1-3-1958	Deferred after 31-12-1972	
30. CM/L-213 25-8-1960	Plywood Manufacturers Co- operative Society Ltd, 11/3A Canal Circular Rd, Calcutta-4	Tea-chest plywood panels— IS: 10-1970	S.O. 2209 dated 10-9-1960	Deferred after 31-12-1972	
31. CM/L-245 28-11-1960	TIPCO, The Industrial Plastics Corpn Ltd, 14 Hamam Street, Bombay-1	Phenolic moulding materials— IS: 1300-1966	S.O. 2958 dated 10-12-1960	Deferred after 15-12-1972	
32. CM/L-1811 14-10-1968	Albion Plywood Division (Prop: Bharat Overseas Pvt Ltd), 24, Parganas, Kalipore, Budge	Wooden flush door shutters (Solid core type), with plywood face panels— IS: 2202 (Part I)-1966	S.O. 4257 dated 30-11-1968	Deferred after 15-10-1972	
33. CM/L-2147 26-11-1969	Oswal Electricals, 49 Industrial Area, Faridabad (Haryana)	Three-phase induction motors—IS: 325-1961	S.O. 5045 dated 27-12-1969	Deferred after 30-11-1972	
34. CM/L-2461 30-11-1970	Yogi Raj Chemical Laborato- ries, Gill Road, Millerganj, Ludhiana-3	Correcting fluid— IS: 4175-1967	S.O. 3593 dated 2-10-1971	Deferred after 30-11-1972	
35. CM/L-2800 5-11-1971	Hindustan Timber Syndicate, Industrial Estate, Kathua (J&K)	Tea-chest battens— IS: 10-1970	S.O. 403 dated 5-2-1972	Deferred after 15-11-1972	

(1)	(2)	(3)	(4)	(5)	(6)
36.	CM/L-2815 25-11-1971	Metal Fabricators & Printers, Lakhani Bigha, Khagaul, Patna (Bihar)	Tea-chest metal fittings ---IS: 10-1970	S.O. 403 Dated 5-2-1972	Deferred after 30-11-1972
37.	CM/L-2837 13-12-1971	Hindustan Concrete & Allied Industries, Bankaghat, P.O. Jethuli, Patna	Prestressed concrete poles for overhead power traction and telecommunication lines—IS: 1678-1960	S.O. 2769 dated 7-10-1972	Deferred after 15-12-1972
38.	CM/L-2855 30-12-1971	Venecr Mills Pvt. Ltd., Surya- gram, Tinsukia (Assam)	Blockboards— IS: 1659-1969	Do.	Deferred after 31-12-1972

[CMD/15:14]

A. B. RAO, Director (Central Marks)

**इस्पात और खान मंत्रालय  
(खान विभाग)**

नई दिल्ली, 27 फरवरी, 1973

सा. का. 715.—कोयला खान (संरक्षण, सुरक्षा और विकास) अधिनियम, 1952 (1952 का 12) की धारा 4 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार, मुख्य खनन सलाहकार, रेल मंत्रालय (रेलवे बोर्ड), धनबाद को कोयला बोर्ड के सदस्य के रूप में एतद्वारा नियुक्त करती है और यह निर्देश देती है कि भारत सरकार के इस्पात और खान मंत्रालय (खान विभाग) की अधिसूचना संख्या सा. का. 1416, तारीख 14 अप्रैल, 1972 में निम्नीलिखित संशोधन किए जाएँ, अर्थात् :—

उक्त अधिसूचना में, मद 8 और तत्सम्बन्धी प्रविष्टियों के लिए निम्नीलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"8. मुख्य खनन सलाहकार, रेल मंत्रालय. (रेलवे बोर्ड).

धनबाद

सदस्य"

[सं. को. 4-4(2)/72]

निरंकार स्वरूप भटनागर, उप सचिव

**MINISTRY OF STEEL AND MINES  
(Department of Mines)**

New Delhi, the 26th February, 1973

S.O. 715.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952), the Central Government hereby appoints the Chief Mining Adviser, Ministry of Railways (Railway Board), Dhanbad, as a member of the Coal Board and directs that the following amendment shall be made in the notification of the Government of India, in the Ministry of Steel and Mines (Department of Mines), No. S.O. 1416, dated the 14th April 1972, namely:—

In the said notification, for item 6 and the entries relating thereto the following shall be substituted namely:—

"6. Chief Mining Adviser, Ministry of Railways (Railway Board), Dhanbad Members."

[No. C4-4(2)/72]

N. S. BHATNAGAR, Deputy Secy.

**शिक्षा और समाज कल्याण मंत्रालय  
(भारत का पुरातत्वीय सर्वेक्षण)**

नई दिल्ली, 1 मार्च, 1973

(पुरातत्व)

सा. आ. 716.—यतः केंद्रीय सरकार की राय है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट प्राचीन और ऐतिहासिक संस्मारक राष्ट्रीय महत्व का नहीं रहा है,

अतः अब, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 35 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा यह घोषित करती है कि पूर्वोक्त संस्मारक उक्त अधिनियम के प्रयोजनों के लिए राष्ट्रीय महत्व नहीं रहा है।

**अनुसूची**

क्रम सं० राज्य जिला अवस्थिति प्राचीन और ऐतिहासिक संस्मारक का नाम					संरक्षण अधि- सूचना सं० और तारीख
1	2	3	4	5	6
1	तमिलनाडु	कोयम्बटूर	अवनाशी	शिव मन्दिर	सं० 27, तारीख 27-7-1921

[सं. 3/2/72-एम]

म. नू. देशपांडे, महानिदेशक,  
प्राचीन संयुक्त सचिव

**MINISTRY OF EDUCATION AND SOCIAL WELFARE**

(Archaeological Survey of India)

New Delhi, the 1st March, 1973

(ARCHAEOLOGY)

S.O. 716.—Whereas the Central Government is of opinion that the ancient and historical monument specified in the Schedule to this notification has ceased to be of national importance;

Now, therefore, in exercise of the powers conferred by section 35 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares that the monument aforesaid has ceased to be of national importance for the purposes of the said Act.

## SCHEDULE

S. No. State District Locality Name of the Protection  
Ancient & notification  
historical No & date  
monument

1	2	3	4	5	6
1.	Tamil- Coimba-	Avanashi Siva Temple No.27,			
	nadu	tore		dt.27-1-1921	
				[No. 3/2/72-M]	
				M. N. DESHPANDE, Director General	
				(Ex-Officio Joint Secretary)	

## संचार विभाग

## (डाक-तार बोर्ड)

नई दिल्ली, 28 फरवरी, 1973

का. आ. 717.—स्थायी आदेश संख्या 6275, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड-3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने भिवानी टेलीफोन केंद्र में दिनांक 1-4-73 से प्रमाणित दर प्रणाली लागू करने का निर्णय किया है।

[सं. 5-17/73 पी. एच. बी. (4)]

## MINISTRY OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 28th February, 1973

S.O. 717.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-4-1973 as the date on which the Measured Rate System will be introduced in BHIWANI Telephone Exchange, Punjab Circle.

[No. 5-17/73-PHB(4)]

का. आ. 718.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड (क) के अनुसार डाक-तार महानिदेशक ने कुरुक्षेत्र टेलीफोन केंद्र में दिनांक 1-4-73 से प्रमाणित दर प्रणाली लागू करने का निर्णय किया है।

[सं. 5-17/73 पी. एच. बी. (5)]

ए. एस. वोहरा, सहायक महानिदेशक

S.O. 718.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-4-1973 as the date on which the Measured Rate System will be introduced in KURUKSHETRA Telephone Exchange, Punjab Circle.

[No. 5-17/73-PHB(5)]

A. S. VOHRA,

Assistant Director General (PHB).

## निर्माण और आवास मंत्रालय

नई दिल्ली, 23 फरवरी, 1973

का. आ. 719.—लोक परिसर (अप्रामाण्य अधिकारियों की वेदखली), अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा नोच दी गई सारणी के स्तम्भ 1 में वर्णित अधिकारी को, जो सरकार के राज-पत्रित अधिकारी की पंक्ति के समस्त अधिकारी हैं उक्त अधिनियम के प्रयोजनों के लिए समस्त अधिकारी नियुक्त करती है, और आगे निदेश देती है कि उक्त अधिकारी उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट लोक परिसरों के सम्बन्ध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उम पर अधिरोपित कर्तव्यों का पालन करेगा।

## सारणी

अधिकारी का पदनाम	लोक परिसरों के वर्ण और अधिकारिता की स्थानीय सीमाएं
1	2
उपमहाप्रबंधक, भारत का उर्वरक निगम लिमिटेड, रामागुंडम मण्डल डाक घर (आन्ध्र प्रदेश)	आन्ध्र प्रदेश के जिला करीमनगर में गोदावरी-खानी के रामागुंडम मण्डल की सीमाओं के भीतर, भारत का उर्वरक निगम लिमिटेड, रामागुंडम मण्डल के परिसर।

[फा.सं. 21012(10)/69-नीति-3]

## MINISTRY OF WORKS AND HOUSING

New Delhi, the 23rd February, 1973

S. O. 719.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column(1) of the Table below, being officer equivalent to the rank of gazetted officer of Government, to be estate officer for the purposes of the said Act, and further directs that the said officer shall exercise the powers conferred, and perform the duties imposed, on the estate officer by or under the said Act, within the limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

## THE TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Dy. General Manager, The Fertilizer Corporation of India Limited, Ramagundam Division, P.O. Godavari-Khani, Dist. Karimnagar (Andhra Pradesh).	Premises belonging to the Fertilizer Corporation of India limited, Ramagundam Division, within the limits of the Ramagundam Division at Godavari-Khani, Dist. Karimnagar, Andhra Pradesh.

[F.No. 21012(10)/69-Pol.II 1]

का० प्रा० 720.— लोक परिसर (अप्राधिकृत अधिभोगियों की बेवखली) अधिनियम 1971 (1971 का 40) की धारा 20 के साथ पठित धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के निर्माण, आवास और पूर्ति मंत्रालय की अधिसूचना सं० का० प्रा० 307, तारीख 28 जनवरी, 1959 में एतद्वारा निम्न-लिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, सारणी में, क्रम सं० 1 के सामने स्तम्भ 1 में विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी अर्थात्:—

“सर्वर सचिव, राष्ट्रपति सचिवालय”

[फ० सं० 21012(32)/72 नीती 3)]

आर० बी० सक्सेना, उप-संपदा निदेशक  
और पदेन सर्वर सचिव

**S.O. 720.**—In exercise of the powers conferred by section 3, read with section 20, of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 307, dated the 28th January, 1959, namely:—

In the said notification, in the Table, against serial No. 1 in column 1, for the existing entry, the following entry shall be substituted, namely:—

“The Under Secretary, President's Secretariat.”

[F.No. 21012 (32)/72-Pol. III]

R. B. SAXENA, Deputy Director of Estates  
and Ex-officio Under Secy.

श्रम और पुनर्वास मंत्रालय  
(श्रम और रोजगार विभाग)

आदेश

नई दिल्ली, 20 जनवरी, 1973

**का. आ. 721.**—यतः केन्द्रीय सरकार की राय है कि इस से उपावृद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेंसर्स जे. के. गोराई एण्ड कम्पनी की श्री लाखीमाता कॉलियरी, डाकघर चिरकुण्डा, जिला धनबाद के प्रबन्ध तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 2), धनबाद को न्यायनिर्णयन के लिए निर्दिष्ट करती है ।

अनुसूची

“क्या मेंसर्स जे. के. गोराई एण्ड कम्पनी की श्री लाखीमाता कॉलियरी, डाकघर चिरकुण्डा जिला धनबाद के प्रबन्ध तंत्र की उनके गॉटिस तारीख 7 अक्टूबर, 1972 द्वारा कर्मचारियों को 7 अक्टूबर, 1972 से जबरि छुट्टी देने की कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार हैं?”

[संख्या एल/2012/144/72-एल. आर.-2]

## MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour & Employment)

ORDER

New Delhi, the 20th January, 1973

**S.O. 721.**—WHEREAS the Central Government is of the opinion that an industrial dispute exists between the employees in relation to the management of Shree Lakhimata Colliery of Messrs. J. K. Gorai and Company, Post Office Chirkunda, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

“Whether the action of the management of Shree Lakhimata Colliery of Messrs. J. K. Gorai and Company, Post Office Chirkunda, District Dhanbad in laying off of the workmen with effect from the 7th October 1972 vide their Notice dated the 7th October, 1972 is justified? If not, to what relief the workmen are entitled?”

[No. L/2012/144/72-LRII]

आदेश

**का. आ. 722.**—यतः केन्द्रीय सरकार की राय है कि इस से उपावृद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेंसर्स इस्ट बुलिआरी/कॉडवाडीह कॉलियरी कम्पनी प्राइवेट लिमिटेड की कॉडवाडीह कॉलियरी न. 6 और 8 पिट्स, डाकघर कुसुंदा, जिला धनबाद के प्रबन्ध तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, धनबाद-2 को न्यायनिर्णयन के लिए निर्दिष्ट करती है ।

अनुसूची

“क्या मेंसर्स इस्ट बुलिआरी कॉडवाडीह कॉलियरी कम्पनी प्राइवेट लिमिटेड, की कॉडवाडीह कॉलियरी संख्या 6 और 8 पिट्स डाकघर कुसुंदा, जिला धनबाद के प्रबन्ध तंत्र की, श्री सरजू रविदास, पिक मार्गिंगर को 18 जनवरी, 1971 से बरखास्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष का हकदार हैं?”

[संख्या एल/2012/149/71-एल. आर.-2]

## ORDER

**S.O. 722.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Kendwadih Colliery No. 6 and 8 Pits of Messrs. East Bulliai/Kendwadih Colliery Company Private Limited, Post Office Kusunda, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed; And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section

7A of the said Act.

## SCHEDULE

"Whether the action of the management of Kendwadih Colliery No. 6 and 8 Pits of Messrs. East Bulliai/Kendwadih Colliery Company Private Limited, Post Office Kusunda, District Dhanbad, in dismissing Shri Sarjoo Ravidas, Pick Miner, with effect from the 18th January, 1971 is justified? If not, to what relief is the workman concerned entitled?"

[No. L/2012/149/71-LRII]

## आवृत्ति

नई दिल्ली, 22 जनवरी, 1973

**का. आ. 723.**—यतः केन्द्रीय सरकार की राय है कि इस से उपायध्व अनुसूची में विनिर्दिष्ट विषयों के बारे में मेंसर्स इंडियन आयरन एण्ड स्टील कंपनी लिमिटेड की चसनाला कोलियरी, डाकघर पाथरडीह, जिला धनबाद के प्रबन्धसूत्र से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद शिष्टाचारमान है, और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निदेशित करना बांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद-2 को न्यायनिर्णयन के लिए निदेशित करती है।

## अनुसूची

"क्या मेंसर्स इंडियन आयरन एण्ड स्टील कंपनी लिमिटेड की चसनाला कोलियरी, डाकघर पाथरडीह, जिला धनबाद प्रबन्धसूत्र की श्री खुशदे आलम, मोटर मकैनीक के दावे का अतिक्रमण कर के श्री टी. ए. मथारू, लिपिक की गैरज फॉरमैन के पद पर पदोन्नति करने की कार्यवाही न्यायोचित है? यदि नहीं, तो श्री खुशदे आलम किस अनुतोष के हकदार है?"

[सं. एल./2012/123/72-एल. आर.-2]

करनैल सिंह, अवर सचिव

## ORDER

Delhi, the 22nd January, 1973

**S.O. 723.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Chasnala Colliery of Messrs. Indian Iron and Steel Company Limited, Post Office Patherdih, District Dhanbad, and their workmen in

respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

## SCHEDULE

"Whether the action of the management of Chasnala Colliery of Messrs. Indian Iron and Steel Company Limited, Post Office Patherdih, District Dhanbad, in promoting Shri T. A. Mathai, Clerk to the post of Garage Foreman in supersession of the claim of Shri Khurshed Alam, Motor Mechanic is justified? If not, to what relief Shri Khurshed Alam is entitled?"

[No. L/2012/123/72-LRII]

New Delhi, the 24th February, 1973

**S.O. 724.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Messrs. Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh), and their workmen, which was received by the Central Government on the 21st February, 1973.

[No. L/22012/21/72-LRII]

KARNAIL SINGH, Under Secy.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated January, 20, 1973.

## Present :

Mr. Justice S. N. Katju—Presiding Officer.

Case Ref. No. CGIT/LC(R)(20)/1972

(Notification No. L/22012/21/72LR-II, dated 13-6-1972)

## Parties :

Employers in relation to the management of M/s. Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh) and their workmen represented (through the Burhar Colliery Mazdoor Sabha, P.O. Dhanpuri, Distt. Shahdol (M.P.).

## Appearances :

For employers—Sri B. S. Sekhon, Personnel Officer.

For workmen—S/Sri S. S. Siddiqui and Laxmi Chandra Gupta.

Industry: Coal Mines

District: Shahdol (M.P.).

## AWARD

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act (hereinafter referred to as the Act).

The question referred to this Tribunal is as follows :—

"Whether the management of Messrs Rewa Coal Fields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh), was justified in terminating the services of Shri Ramzan Khan, son of Shri Subhan Khan an employee of Burhar No. 3 Mine with effect from the 9th March, 1971? If not, to what relief is the workman entitled?"

The workman concerned, Ramzan Khan, was in the employment of M/s. Rewa Coalfields Limited, P.O. Dhanpuri, District Shahdol (hereinafter referred to as the Coalfields) as a Pump Khallasi at Burhar No. 3 Mine. According to the management of the Coalfields he had remained absent from duty from 27-1-1971 to 9-3-1971 without leave or intimation of any kind and as such his services stood automatically terminated under Clause 17(ii) of the Certified Standing Orders applicable to him. The aforesaid clause runs thus :—

17(ii) "Continuous absence without permission of 30 or more than 30 days by a workman will entail automatic termination of his service with the company."

It was further contended on behalf of the management that Ramzan Khan was an underground worker for which he had been paid underground allowance and he was not a surface worker. It was stated on behalf of the workman that he was a qualified Boiler Attendant at Burhar No. 1 Mine in 1956 and had been transferred to No. 3 Mine in the same capacity in January, 1966 and had worked as a Boiler Attendant, upto 21-7-1968. Thereafter he was transferred to the Workshop as a spare Boiler Attendant/Fireman and was employed in various mechanical maintenance works when he was not need to perform the duties of a Boiler Attendant or a Fireman. On 28-1-1971 when he turned up to perform his duties in the normal course he was refused token by the Attendance Clerk on duty who said that by preventing the workman from working he was acting under the instructions of the Manager. The workman approached his superior officer who informed him that the Manager wanted him to work underground and since he had worked on surface on that date he was marked absent. It was alleged on behalf of the workman that he had not received any order from the Manager either verbally or in writing to the effect that he had to work underground and his efforts to meet the Manager having failed he submitted a written representation on 30-1-1971 in which he requested for being allowed to work on surface. The Manager in his letter dated 3-2-1971 addressed to the workman denied that he had been suspended. Thereafter the workman approached several officers of the Coalfields on all working days and also made several representations to the Manager but he was not allowed to resume his duty. It was further contended on behalf of the workman that the Labour Welfare Officer took away all the necessary papers from the workman. According to the workman, there was no settlement even after a prolonged discussion and the conciliation proceedings ended in failure. Thereafter the Union representative took the dispute on behalf of the workman.

The competency of the reference was challenged by the management of the Coalfields on the ground that no dispute existed when the reference to this Tribunal was made and further that the Union was not competent to raise any dispute on behalf of the workman. It was further contended that the dispute relating to the termination of Ramzan Khan's services was settled between the management and the workman on 29-4-1972, under a memo of settlement of the same date which had been arrived at under the provisions of the Act and paragraph 4 of the memo of settlement was duly implemented and the workman was paid the amount of Rs. 1,000 for which he duly gave a receipt to the management. The aforesaid memo of settlement was sent to the Assistant Labour Commissioner (Central) Shahdol, who had earlier taken up the conciliation of the dispute on 1-5-1972. A copy of the failure report of the Assistant Labour Commissioner (Central) dated 1-5-1972 was received by the management on 3-5-1972, in the afternoon after the dispute had already been settled. The Asstt. Labour Commissioner was informed by a letter dated 1-5-1972 that the dispute had already been settled with the workman. The Ministry of Labour, Employment and Rehabilitation, Government of India, to whom the above failure report had been addressed by the Assistant Labour Commissioner was also apprised by the management by its letter dated 26-5-1972 that the dispute had already been settled and no industrial dispute as such existed after 29-4-1972.

The parties produced their evidence before me. Zahid Warsi (E.W. 1), Sanad Kumar (E.W. 4) and R. C. Goel, Manager of the Coalfields (E.W. 5) have stated that Ramzan Khan worked underground and did not work on surface. They further stated that Ramzan Khan received allowance for working underground and a register in Form B is main-

tained under the Mines Act in which the necessary particulars about the workman showing whether he is working above ground or underground are given and the workman's signature or thumb impression is obtained in the said register. The entry in serial no. 226 in the aforesaid register (Ex. E/1) is with regard to Ramzan Khan and bears his thumb impression. Zahid Warsi stated that thumb impressions of Ramzan Khan in the said register were made before him and in his presence. The aforesaid entry shows that Ramzan Khan was an underground worker. Sri R. C. Goel, Manager, has also stated that Ramzan Khan was working underground and was receiving underground allowance. Ramzan Khan, when shown the aforesaid entry in Ex. E/1, stated that "I might have put my thumb impression in a register like Ex. E/1". He was also confronted with the relevant entries in the wage sheet Register (Ex. E/3) which shows that he had received underground allowance. When asked whether he had received any underground allowance Ramzan Khan said "I cannot say I got underground allowance." Thus there is no reason to disbelieve the evidence produced on behalf of the Coalfields that Ramzan Khan was an underground worker and he had been working as such.

Zahid Warsi stated that "Ramzan Khan lost his job because he remained absent for a long period without obtaining permission or giving intimation to the Mines Manager". Sanad Kumar (E.W. 4) has also stated that Ramzan Khan was absent for more than one month and then his services were terminated. R. C. Goel (E.W. 5) stated that Ramzan Khan was absent from duty from 28-1-1971 till the date when his services were terminated. He further stated that he had not issued any instructions to anyone for stopping Ramzan Khan from duty. I am not prepared to believe Ramzan Khan that he had not absented himself but had not been permitted to work since 28-1-1971. I am satisfied that Ramzan Khan had absented himself from his duty for more than 30 days as was alleged by the Coal fields.

Zahid Warsi and R. C. Goel have both stated that the settlement (Ex. E/5A) had been duly arrived at on 24-9-1972 between the management of the Coal fields and Ramzan Khan. Zahid Warsi said that it was settled in his presence and he identified his own signature and also the signatures of Ramzan Khan and R. C. Goel, the Manager. He also identified the signature of K. C. Philipose, the Stenographer of the Personnel Officer, who had typed the terms of the settlement. The aforesaid witnesses have stated that the terms of the settlement deed had been explained to Ramzan Khan and he was told that he would get Rs. 1000 in full and final settlement of the dispute between him and the Coalfields. The Cashier of the Coal fields has stated that Rs. 1000 was paid by him to Ramzan Khan and the receipt (Ex. E/7) bearing his signature was duly signed by Ramzan Khan and given to the Manager. Ramzan Khan has admitted his signature in the settlement deed (Ex. E/5A). He further admitted his signature in the payment Register (Ex. E/8) showing the payment of Rs. 1000 to him on 29-4-1972. Makarand Prasad Tiwari (E. W. 6), the Despatch Clerk of the Coalfields, has proved the entries in the Despatch Register (Ex. E/16) with regard to letter dated 21-6-1972 addressed to the Secretary, Government of India, Ministry of Labour & Employment, New Delhi and two other letters both dated 26-5-1972. It is, thus proved that the management of the Coal fields had informed the authorities concerned with regard to the settlement of the dispute in question as alleged by it.

I am satisfied that the workman had voluntarily entered into a settlement dated 29-4-1972 and had signed the memo of settlement, the terms of which had been read over and explained to him. He had accepted the amount of Rs. 1000 for which he gave a receipt to the management. Under these circumstances, no dispute existed on the date or could have been apprehended when the present reference was made to this Tribunal. I need not go into the question whether the question could have been properly raised by the Union on behalf of the worker.

There is sufficient evidence on the record to show that Ramzan Khan absented himself from duty from 20-7-1971 to 9-3-1971 without obtaining any previous permission from the authorities concerned and the management was justified under Clause 17(ii) of the Certified Standing Orders in terminating the services of Ramzan Khan.



My answer to the reference, therefore, is that the management of the Coal fields was justified in terminating the services of Ramzan Khan with effect from 9-3-1971 and that he is not entitled to any relief. I make my award accordingly. I make no order for costs.

S. N. KATJU, Presiding Officer.

New Delhi, the 24th February, 1973

**S.O. 725.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh), and their workmen which was received by the Central Government on the 21st February, 1973.

[No. L/22012/22/72-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, JABALPUR

Dated January 20, 1973

**Present :**

Mr. Justice S. N. Katju—Presiding Officer.

Case REF No. CGIT/LC(R)(21)/72

(Notification No. I/22012/22/72-LRII dated 13-6-1972)

**Parties :**

Employers in relation to the management of M/s. Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh) and their workmen represented through the Burhar Colliery Mazdoor Sabha, P.O. Dhanpuri, Distt. Shahdol (M.P.)

**Appearances :**

For employers—Sri B. S. Sekhon, Personnel Officer.

For workmen—S/Shri S. S. Siddiqui and Laxmi Chandia Gupta.

**Industry :** Coal Mine.

**District :** Shahdol (M.P.)

**AWARD**

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act 1947 (hereinafter referred to as the Act).

The question referred to is :—

Whether the management of Messrs. Rewa Coalfields Ltd. Post Office Dhanpuri, District Shahdol (M.P.) (hereinafter referred to as Coalfields) was justified in terminating the services of Maniram Shotfirer, with effect from the 23rd June, 1972 and if there was no justification for terminating the services of Maniram then to what relief is he entitled?

Admittedly the services of Maniram were terminated by the management of the Rewa Coalfields Ltd. (hereinafter Coal fields) that his services were terminated under letter No. M/3 dated 24-7-1971 and on that ground alone the reference is invalid. It was alleged on behalf of the workmen that he was working as a Shotfirer in the Coalfields and had deposited with the opposite party his Shotfirer's certificate in compliance with the Coal Mines Regulations, 1957. The validity of the Certificate was to expire on 22-6-1971 and he was required to apply for its renewal 60 days before the aforesaid date of expiry. He was asked by the Coalfields

for the renewal of his Certificate vide letter dated 3-4-1971. It was alleged by Maniram that he had submitted his application for renewal of the Certificate which was duly countersigned by the Manager of the Coalfields on 10-2-1971 and it had been forwarded to the appropriate authority by registered post. He also sent frequent reminders for early action being taken on his application for renewal of the Certificate. According to him, he was examined on 13-6-1971 and was informed by the Board of Mining Examination telegraphically on 18-8-1971 that he had been successful in the examination. He had intimated the same to the Chief Mining Engineer and the Manager of the Coalfield along with a request for being allowed to resume his duties, but the Manager declined to take him back on duty. According to the workman, the Coalfields took advantage of the delay in communication of the aforesaid result by the examining authorities for which he was not responsible and his services had been wrongfully terminated. He further contended that all the efforts of the Union for an amicable settlement of the dispute proved unsuccessful and the conciliation proceedings ended in failure necessitating the present reference to this Tribunal. According to him, he had referred his case to the Union and he undertook to abide by all the actions and decisions of the Union. It was further stated that he had never entered into an agreement with the Coalfields regarding the present dispute nor had accepted nor received any money in settlement of the dispute in question.

It was contended on behalf of the Coalfields that there was no dispute and inasmuch as the question with regard to termination of his services had never been raised by the workman before the management of the Coalfields and further that the Union, the Burhar Colliery Mazdoor Sabha, had practically no membership in the Coalfields it could not raise the dispute on behalf of the workman. It was further contended that the validity of the workman's Shotfirer's Certificate had expired on 22-6-1971 and it was obligatory for him to get the Certificate renewed within time as in its absence his employment in the Coalfields came to an end. The workman had been repeatedly informed by the management of the Coalfields to get his Certificate renewed. Since the aforesaid certificate was not renewed within time the workman could not be employed as a Shotfirer as per restrictions imposed by the Government of India under the Coal Mines Regulations. According to the Coalfields Maniram lost his employment automatically under the Contract of his services and it could not be taken that his service had been terminated by the management of the Coalfields. Admittedly the certificate of the workman had not been renewed within time and according to the management it was not possible for the management to have continued the services of the workman after the expiry of the certificate. It was further contended that the dispute relating to the termination of Maniram's services had been settled on 3-5-1972 under a memo of settlement of the same date which had been arrived at under the provisions of the Industrial Disputes Act and under paragraph six of the aforesaid memo of settlement the workman was paid and had accepted an amount of Rs. 2000 for which he gave a receipt. The aforesaid memo of settlement was forwarded on the same date viz. 3-5-1972 to the Assistant Labour Commissioner (Central) Shahdol who was seized of the conciliation proceedings. A copy of the failure report of the Asstt. Labour Commissioner (Central) Shahdol dated 1-5-1972 was received by the Coalfields on 3-5-1972 after the dispute had already been settled. The management informed the Asstt. Labour Commissioner immediately on the same date viz. 3-5-1972 under their letter of that date that the dispute had already been settled with the workman concerned. The Ministry of Labour & Rehabilitation Government of India, to whom the above failure report had been addressed by the Asstt. Labour Commissioner was also informed by the Management under their letter dated 20-5-1972 that the dispute had already been settled and no industrial dispute as such existed after 3-5-1972.

The parties produced evidence before me. R. C. Goel, the Manager of the Rewa Coalfields, stated that the appointment of a Shot Firer was a statutory appointment under Clause 166 of the Coal Mines Regulations 1957 and the Shot Firers have to obtain Shot-Firers' certificates from the Board of Examination, Government of India, which are valid for a period of five years. After the expiry of the period re-endorsement of the Certificate is necessary under Regulation 22 of the Coal Mines Regulations 1957 and after the expiry of the period of a Shot-firer's certificate he cannot work as such. He further stated that Maniram's certificate was valid up to

22-6-1971 and he had been informed earlier for getting his certificate endorsed after its expiry and since the certificate had not been renewed, Maniram was discharged from his service in July, 1971. He further stated that Maniram had not informed him about any steps which he had taken with regard to the endorsement of his certificate and had never approached him between the date of the expiry of his certificate and the date of his discharge. He further stated that Maniram was actually doing other business such as money lending, selling Soda Water and selling Wrist watches etc. Maniram admitted that he got the information in August, 1971 from the Government that his certificate had been renewed. As mentioned above, his certificate was valid only up to 22-6-1971 and in the absence of the renewal of the certificate within time the management was not in a position to retain him in service after the expiry of his certificate. Under these circumstances, Maniram's services came to an end with the expiry of his certificate. R. C. Goel further stated that Maniram had not raised any dispute with the management with regard to his discharge.

K. Philipose (E. W. 1), Stenographer of Shri B. S. Sekhon, the Personnel Officer of the Coalfields, stated that there was a settlement of the dispute between Maniram and the management. The deed of settlement was dictated to him by Sri B. S. Sekhon and it was typed by him. K. Philipose identified the signatures of Maniram, Balgovind Sharma and B. S. Sekhon and they all signed in his present. He also stated that the terms of the settlement were explained by Sri Sekhon to Maniram in Hindi. Maniram did not raise any objection to the terms of the settlement through which he received Rs. 2000 for full and final settlement of his claim. He further stated that Maniram signed the settlement without any pressure having been put on him and copies of the settlement deed were sent to the Assistant Labour Commissioner (Central), Shahdol, Regional Labour Commissioner (Central) Jabalpur, Chief Labour Commissioner, New Delhi and the Secretary, Govt. of India, Ministry of Labour and Employment, New Delhi. P. C. Dubey, Cashier of the Coalfields, has stated that Rs. 2000 were paid to Maniram in lieu of full and final settlement of his dispute with the management of the Coalfields. According to him, Maniram came to him and asked for the amount due to him under the settlement. P. C. Dubey asked him to bring the Welfare Officer, Zahid Warsi, and the amount of Rs. 2000 was paid to Maniram in the present of the Welfare Officer. Zahid Warsi (E. W. 3) the Welfare Officer of the Coalfields, has stated that the amount of Rs. 2000 was paid in his presence to Maniram in lieu of the settlement of the dispute between Maniram and the management. He identified his signature on Voucher Ex. E/3 and also the signatures of Maniram and Sri P. C. Dubey. Maniram did not deny having received Rs. 2000 from the management, but has contended that the aforesaid amount was received by him in lieu of his unpaid wages. He admitted that he had not made any application to the management with regard to any claim for payment of unpaid wages. He further admitted his signatures in the Payment voucher (Ex. E/3) and the Payment Register Ex. E/4. There is no force in the contention of Maniram that the aforesaid amount was paid to him in lieu of unpaid wages. Admittedly Rs. 2000 was received by Maniram from the management and under the aforesaid settlement between him and the management the amount of Rs. 2000 had to be paid to him.

Makrand Prasad Tiwari (E. W. 5), the Despatch Clerk of the Coalfields, has proved entries in the Despatch Register (Ex. E/16) which show that letters No. 5459 and 5460 had been duly sent to the Secretary, Government of India, Ministry of Labour and Employment, New Delhi, as alleged by the management. He further proved the entries in the Despatch Register (Ex. E/17) with regard to letters Nos. P/6/4666 and 4667 dated 6-5-1972. It is thus clear that the management had intimated the authorities concerned about the settlement dated 3-5-1971.

I am satisfied that the aforesaid settlement was voluntarily entered into by the workmen with the management and no pressure was put on him for agreeing to the terms of the aforesaid settlement. The terms of the settlement had been read over and explained to him. He admittedly put his signature on the memo of settlement without any pressure having been put on him. According to the terms of the settlement he was paid Rs. 2000 and he gave a receipt for the same. Under these circumstances there is force in the contention of the management that the dispute between the parties had been amicably settled and no such dispute existed

or could be apprehended when the Government of India made the present reference before this Tribunal. I need not go into the question whether the Union was competent to raise the dispute on behalf of the workman. I am satisfied that the reference before this Tribunal was not in accordance with law and the workman had entered into a voluntary agreement with the management by which the dispute between him and the management had been fully settled and under the terms of the said settlement he was given and had accepted the amount of Rs. 2000. My answer to the reference therefore is that the management of the Coalfields was justified in terminating the services of Maniram Shotfirer and that he is not entitled to any relief. I make my award accordingly. I make no order as to costs.

S. N. KATJU, Presiding Officer.

New Delhi, the 26th February, 1973

S.O. 726.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the State Bank of Patiala and their workmen, which was received by the Central Government on the 19th February, 1973.

[No. 23/58/70/LRIII.]

KARNAIL SINGH, Under Secy.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS)  
CANTAB BAR-AT-LAW, PRESIDING OFFICER  
INDUSTRIAL TRIBUNAL CENTRAL, CHANDIGARH.

Reference No. 5/C of 1970

BETWEEN

The workmen and the management of the State Bank of Patiala.

Appearances : Shri Tek Chand Sharma for the workmen.  
Shri N. K. Kaushal for the respondent Bank.

AWARD

The Central Government being of the opinion that an industrial dispute existed between the employers in relation to the State Bank of Patiala and their workmen in respect of the matter specified below, referred the same to this Tribunal for adjudication vide Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) Notification No. 23/58/70/LRIII, dated 6th November, 1970:—

SCHEDULE

"Whether the action of the management of State Bank of Patiala in accepting the resignation with effect from the 2nd November, 1969, of Shri Siri Chand, Head Cashier, Narwana Branch even after its withdrawal by him earlier was justified? If not, to what relief is the workman entitled?"

2. In response to the notice sent to the parties, the concerned workman, Shri Siri Chand, put in his statement of claim and the respondent management their written statement, in reply to which the workman filed his replication.

3. Shri Siri Chand, Head Cashier at Narwana branch of the respondent bank, the concerned workman, has in the statement of claim *inter alia* stated that he had entered into an agreement with the respondent bank on basis of which he was required to guarantee about commissions and omissions of cashiers-cum-godown keepers in the cash department,

that he proceeded on leave due to illness and the charge of cash and other valuable was handed over to Shri Ram Lal Gupta, Cashier-cum-godown keeper,

that the Bank Manager later on pressed him (Shri Siri Chand) to give an undertaking to another cashier but he declined to do so due to certain technicalities and practicalities,

that the Manager being ill disposed towards him, continued to adopt policy of harassing him,

that since then he had submitted various representations to the bank in connection with leave and bank guarantee arrangements which infuriated and prejudiced the Bank's Manager,

that due to harassment and hostile attitude adopted by the respondent bank, he had submitted his resignation dated 1-8-69, under protest vide his letter, dated 1-8-69, but the Bank did not accept this resignation sent under protest and he continued availing of leave already sanctioned,

that the bank Manager continued to harass him and he wrote letter, dated 3-10-69,

that he sent telegram, dated 13-10-69, to the head office withdrawing the notice of resignation which was to take effect on 2-11-69, and that he was also on leave till 2nd November, 1969,

that he had a right to withdraw the notice of his intention to resign, there being no bar to his doing so,

that his work and conduct was satisfactory throughout,

that the union also sent telegram on 27-10-69 to the Head Office well before the due date of the so called resignation 27-10-69,

that a letter was also written before 2-11-69, the effective date of the resignation, but the Head office of the bank did not consider the same,

that the bank did not convey the acceptance of resignation till 2-11-69, the date up to which notice was given by him.

and that the action of the bank in considering the concerned workmen having resigned and relieved from 2-11-69 was unlawful, *malafide* and arbitrary and amounted to an unfair labour practice for the reasons:—

- (i) that the employee being on leave, the period of leave could not be treated as notice period,
- (ii) that the employee had withdrawn the notice well before time i.e. 2-11-69, the date from which it was operative and also prior to the communication of the acceptance of the notice by the bank,
- (iii) that the bank did not convey the acceptance of the so-called resignation before the date it was to take effect,
- (iv) that the employee had earlier submitted resignation under protest on 1-8-69, and the entire back ground goes to show that the second notice of resignation was also under protest, in view of the then prevailing conditions, and
- (v) that the action of the bank is wrong, arbitrary, illegal, *malafide*, and against the provisions of law."

4. In the written statement a preliminary objection has been taken that the claim of the workman was barred by principle of estoppel, and that the workman had voluntarily submitted his resignation dated 1-8-69, which had been accepted by them, that there was no industrial dispute involved and the present reference was incompetent and in the alternative it has been maintained that since the workman had continuously remained ill and had been taking leave and for the last two years, he was not in a position to discharge the duties of the Head Cashier.

On merits, it has been *inter alia* stated that the workman was not removed from service but he had in fact voluntarily resigned,

that he had not executed any undertaking with the approval of the Narwana Branch Manager of the respondent Bank as contemplated by the terms of the relevant agreement, and when required to do it, he refused to do so in August, 1969,

that when they (respondent bank) had asked him to give an undertaking in favour of the Cashier next to him and in doing so, they were only giving effect to the understanding arrived at between them and the union, and that it was incorrect to suggest that they had exercised any pressure upon him,

that the allegation that the Manager of the Narwana was prejudiced against him was false, malicious and incorrect,

that the resignation was tendered voluntarily without any pressure or force and was due to his continuous ill health as was evident from the fact that he had proceeded on leave 30 times on the ground of ill health, and remained on leave for two years, i.e. 1968 and 1969,

that the General Manager gave approval to the resignation on 13th October, 1969 and the final action on his resignation had been taken by the General Manager before the receipt of the telegram dated 13-10-69 and at that stage the question of permitting him to withdraw his resignation did not arise, inasmuch as the acceptance of resignation by the General Manager became effective immediately, when he had accorded the sanction,

that the Head office of the bank conveyed the aforesaid orders of the General Manager on 13-10-69 to the Branch Manager for further communication to him, (the concerned workman),

that the fact that the resignation's acceptance was not communicated to the workman or the fact that he was to be relieved from the 2nd November, 69 was of no consequence either in law or otherwise inasmuch as 2nd November, 69 was kept as the leaving date as the workman had himself desired it to be treated as a notice period to save payment of salary.

that the act of acceptance of the resignation on 13-10-69 prior to the alleged withdrawal of the resignation was complete,

that the workman was on leave, but later on the period was treated as notice period, and there was no bar for an employee tendering resignation during leave period being utilized for the purpose of notice, and acceptance of the same during the said period by the management,

that once a resignation had been tendered, it could not be withdrawn without permission of the management, and in any case, it was not permissible for him to withdraw the resignation after orders of acceptance thereof had been passed by the General Manager, and

that action of having accepted the resignation of the concerned workman was lawful, *bonafide* and well founded.

5. In the replication the workman has generally refuted the pleas taken by the respondent management in so far as they relate to the preliminary objections, and on merits he has reiterated what had been stated in the statement of claim.

6. On the pleadings of the parties the following preliminary issues were framed, and on merits the same as the term of reference:—

- (1) Whether the instant reference is illegal, invalid, and incompetent having been not supported by any provisions of law as alleged by the respondent bank?
- (2) Whether the reference in question is barred by the principles of estoppel?
- (3) Whether the instant dispute is not an "industrial dispute" and whether the present reference is incompetent for the reason as maintained by the respondent management that the concerned workman remained ill and had been taking leave on account of illness for the last two years and was not in a position to discharge the duties of Head Cashier and it was not safe to allow him to handle the bank's cash and valuable securities?

7. The parties were thereafter provided with opportunity to produce their evidence.

The respondent bank have examined as witnesses in respect of the preliminary issues, Sarvshri Jaspal Singh, Deputy Superintendent, Staff Department in their Head Office, M. B. Uppal, Staff Superintendent of the State Bank of Patiala and J. N. Shahi, Auditor, State Bank of Patiala and the workman examined himself as a witness, as also Shri Tek Chand Sharma, his authorised representative.

Shri Siri Chand has stated that he was promoted as Head Cashier in the year 1961,

that he was sent letter, Ext. R/9, by Shri J. N. Shahi and he sent a representation to the respondent bank regarding his leave, a copy of which is Ext. A/10,

that he applied for extension of leave vide Ext. A/11 and sent letter in reply to the letter of the Manager, a copy of which is Ext. A/12, and made a representation about cashiers working under him, a copy of which is Ext. A/13, and also submitted another representation regarding leave to the respondent bank, a copy of which is Ext. A/14, and that he had been receiving letters from the bank about undertakings of the cashiers working under him, during the leave period.

According to him, he had not submitted resignation on account of alleged illness, but due to harassment that had been caused by Shri J. N. Shahi, Manager of the Nirwana branch of the respondent bank during the leave period, and that after a week of his submitting resignation, he had withdrawn it by sending a letter to the respondent bank and also telegram Ext. R/10. He has, however, admitted that as mentioned in para 11 of the written statement of the respondent bank, applications were supported by medical certificates.

He has also stated that Shri Jagan Nath Shahi, Manager of the Nirwana branch of the respondent bank, had told him that his leave would not be sanctioned unless he executed an undertaking in favour of Shri Ram Lal thereby furnishing guarantee to the respondent bank, and holding himself responsible for any commissions or omissions of Shri Ram Lal, his leave would not be sanctioned and in that way harassment was caused to him by Shri J. N. Shahi who also humiliated him by asking him to sit where the peons used to sit.

He has further stated that Shri J. S. Bhaika was the senior-most next to him in the branch and that he came to know at the end of August, 1969 that instead of him Shri Sukhdev Singh had been given chance of promotion, though it was provided in the agreement that it will be opened to the respondent bank to appoint next senior cashier and that the employees were being coerced to give such undertakings by being told that promotion would be withheld if any one did not execute such an undertaking.

8. Shri Tek Chand Sharma, the authorised representative of the workman, and the General Secretary of the State Bank of Patiala Employees Union, has corroborated the statement of Shri Siri Chand to the extent that Shri Siri Chand was being harassed by Shri J. N. Shahi and it was on that account that Shri Siri Chand had submitted resignation and he (Shri Tek Chand Sharma) had taken up the matter with a view to bring about settlement so that reinstatement of Shri Siri Chand may come about, and had sent letter, a copy of which is Ext. A/15, to the respondent bank in this behalf, and he received two letters after 13-10-69, Exts. A/16 and A/17, from the respondent bank, expressing their inability to reinstate Shri Siri Chand.

On the conclusion of the evidence by the parties in respect of the preliminary issues, and after hearing arguments that were addressed by the authorised representatives of the parties, an order was passed on 25-1-72, in which it has been *inter alia* held that there was no documentary or other evidence on the preliminary issues that had been framed, and even otherwise no substance was found in the preliminary issues Nos. 1 and 3 and so far as preliminary issue No. 2 was concerned, it was felt that it would be more appropriate that it be taken up along with the issue on merits, as these two issues were inter-linked, and that it would be open to the respondent bank to produce evidence in respect of the preliminary issue No. 2 as well as on merits.

9. Shri N. K. Kaushal, the authorised representative of the respondent bank, made a statement on 3-5-72, that the

statement of Shri J. N. Shahi, while appearing as a witness in respect of the preliminary objections, be also read as evidence in so far as preliminary issue No. 2 was concerned as well as the issue on merits, that he would examine Shri J. N. Sharma as the only witness on merits in regard to the matters that he had not deposed to, and that in order to obviate delay and unnecessary burdening of record, the statements of the witnesses who had appeared in respect of the preliminary issues be also read as evidence regarding issue on merits and preliminary issue No. 2.

10. The parties were, thereafter, called upon to lead evidence in respect of the issue on merits and preliminary issue (2).

Shri J. N. Sharma, while appearing as a witness, has denied that allegations of Shri Siri Chand, that he told Shri Siri Chand that if he did not execute an undertaking, he would not be promoted, and added that he had recommended his (Shri Siri Chand) case for promotion to the post of junior grade officer to the Head Office. He has also denied that he had humiliated Shri Siri Chand and made him sit along with the peons or told him that his leave would be sanctioned only if he gave an undertaking in favour of Shri Ram Lal.

According to him, Shri Siri Chand submitted resignation on 3-10-69 due to his prolonged illness, which fact finds mention in the letter of resignation and that he had never caused any harassment or victimisation to Shri Siri Chand for securing his resignation or for giving an undertaking, and that the charge of Head Cashier had been handed over to Shri Sukhdev Singh on the instructions given on telephone by the Head Office.

He has admitted that there was some controversy between the branch and the Head Cashier regarding undertaking that was required to be given by Shri Siri Chand, and maintained since Shri Siri Chand had already handed over charge to Shri Ram Lal, the next senior cashier in the branch, there was no dispute about handing over of the charge and this action was subsequently got confirmed by the Head Office that Shri Siri Chand had stated in his letter, dated 1-8-69 that he had already handed over charge to Shri Ram Lal and given undertaking in favour of Shri Ram Lal was already there as required by the Head Office, and that the Head Office had required to get an undertaking in favour of Shri Sukhdev Singh.

According to him, Shri Siri Chand had submitted resignation dated 1-8-69, Ext. A/1, and the General Manager had accepted it in the month of November, but he did not remember the date when he had accepted it.

11. The workman has examined three witnesses. Shri Dharam Pal, clerk of the respondent bank has produced leave record of various workmen, Exts. A/18 to A/26; resignation of Shri B. R. Niar, Ext. A/27; acceptance of resignation, Ext. A/28; orders passed by the General Manager, of the respondent bank, Ext. A/29, withdrawal of resignation, Ext. A/30, and acceptance of withdrawal of resignation by the respondent bank, Ext. A/31.

He has also placed on record list Ext. A/32 of officers who were kept at Patiala on compassionate grounds.

Shri Brij Lal, Officer Grade II, Nirwana, has stated that there were four cashiers in the Nirwana branch of the respondent bank, working under Shri Siri Chand as Head Cashier and that he (Shri Siri Chand) was posted as head cashier when he was posted as Manager on 26th October, 1969 and Shri Sukhdev Singh was then officiating as Head Cashier i.e. to deal with cash, receipts, hand over cash, to receive cash from cashiers, to attest signatures of customers, transact Government business and also to operate upon currency chest as joint custodian, and that it was not his duty to receive cash from customers.

Shri Shanti Sarup, Head Cashier, Sangrur, has stated that he had been taking leave as and when occasions arose, on ground of illness etc. and that the period of leave at times had been short and at times long, and that leave applications were submitting along with medical certificates and his efficiency was not affected by him proceeding on medical leave.

From the material that has been placed on record by the parties, it emerges that Shri Siri Chand submitted resignation, Ext. R/1, on 1-8-69 which was to take effect from 2-11-1969,

the date on which his leave was to expire, and he claims that he had submitted the resignation under protest as the Manager of the branch was ill-disposed and prejudiced against him, that he withdrew the resignation by writing a letter and then sent telegram Ext.R/10, dated 13-10-69, to the Head Office, and that the union had also sent telegram on 27-10-69, regarding withdrawal of the resignation submitted by him.

A letter is also said to have been written before withdrawing the resignation but the respondent management are not alleged to have considered the letter or the telegram withdrawing the resignation and did not convey acceptance of the resignation till 2-11-69 i.e. the date upto which notice was given in letter, dated 1-8-69.

- (i) The questions that arise for consideration are first that letter dated 1-8-69 is to be treated as notice or intention to resign from the post by Shri Siri Chand or registration;
- (ii) Whether before acceptance of resignation, it was open to Shri Siri Chand to withdraw the resignation;
- (iii) Whether keeping in view the fact that Shri Siri Chand was on leave, the leave period could or could not be treated as notice period;
- (iv) Whether there was any bar for Shri Siri Chand to tender resignation during the period he was on leave;
- (v) Whether Shri Siri Chand could withdraw the resignation before its acceptance had been conveyed to him;
- (vi) From which date the resignation was to be deemed to be effective; and
- (vii) Whether the resignation given by Shri Siri Chand was voluntary or due to illness, or on account of harassment caused to Shri Siri Chand by the Manager, Shri J. N. Sharma.

The statement made by R.W. 1, Shri Jaspal Singh, shows that Shri Siri Chand had submitted resignation, Ext.R/1 on the ground of constant illness, and requested to be allowed to remain on leave upto 2-11-69, that the resignation was accepted by the General Manager *vide* R/2/3, on a note. Ext.R/2, having been submitted by him on 11-10-69, and also on note of the Staff Superintendent, Ext.R/2/1 of Deputy General Manager, Ext.R/2/2,

that thereafter an office order, a copy of which is Ext.R/3 was issued regarding acceptance of the resignation of Shri Siri Chand, and letter Ext. R/4 was sent to the Nirwana Branch of the respondent bank for communication to Shri Siri Chand, who sent letter Ext. R/5 to Shri Siri Chand,

that telegram, Ext. R/9, was received from Shri Siri Chand but his resignation had already been accepted by the General Manager, who was competent to accept the resignation, and

that Shri Siri Chand had been on leave due to illness many a times, and had been promoted as Head Cashier in 1961.

According to Shri M. B. Uppal, Staff Superintendent of the respondent bank, orders, Ext.R/2/3, passed by the General Manager, were received in his office on 13th morning between 10.00 A.M. and 12.00 noon, and that the telegram, Ext.R/10, was received from Shri Siri Chand at 4.00/5.00 P.M., on which he had made endorsement, R/10/1, and that after the receipt of the orders, Ext.R/2/3, an office order Ext.R/3 was passed regarding the acceptance of resignation at 12.00 noon, which was signed by him and sent to the Nirwana branch of the bank for communication to the concerned workman, and for informing him that the leave period had been treated as notice period.

According to him, a letter, dated 22-5-69, was received from Shri Siri Chand, addressed to the Manager, Nirwana branch.

According to R.W.3, Shri J. N. Sharma, the then Manager of the Nirwana branch of the respondent bank, Shri Siri Chand who had been on continued sick leave, had tendered his resignation, and that he had forwarded it to the Head Office and the acceptance of resignation, Ext.R/4 was received while he was handing over charge, and approval had been given by the General Manager on 13-10-69, before the receipt

of resignation was complete before the telegram had been received.

According to the respondent bank, Shri Siri Chand remained on sick leave during two years i.e. 1968 and 1969 and Shri Jaspal Singh, R.W.1 has also stated that Shri Siri Chand had applied for leave on ground of illness for about 30 times during this period.

As regards agreement, Ext.R/6, which was got executed from all the Head Cashiers, it has been stated by R.W. 1, that the workmen having approached the respondent bank with the request that only senior cashiers should be given officiating chances of working as Head Cashiers, on basis of seniority, Shri Sukhdev Singh had been given chance of officiating as Head Cashier in place of Shri Siri Chand.

It is in the statement of Shri J. N. Sharma, R.W. 3, that since Shri Siri Chand had refused to execute agreement, letters Exts.R/12 and R/13 had been sent to the Head office by him.

12. As per term of reference, it has to be determined whether the action of the management of the State Bank of Patiala was justified in accepting the resignation of Shri Siri Chand, Head Cashier, Nirwana branch with effect from 2nd November, 1969 after its alleged withdrawal by Shri Siri Chand earlier.

While referring to the material that has been placed on record it has to be decided whether in fact Shri Siri Chand had actually withdrawn his resignation before the respondent bank had accepted it.

It has also to be considered whether the letter of resignation, Ext.R/1, dated 3-10-69, was voluntary having been tendered due to continuous illness and inability to discharge his duties of Head Cashier, or it was due to harassment and coercion etc. as alleged by Shri Siri Chand.

In this connection it may be stated that letter, Ext.R/1, has a clear mention that due to continuous ill-health and weakness he (Shri Siri Chand) could not continue to work as Head Cashier and he had prayed that his resignation be accepted from 2-11-69, while on leave, and that the leave period be treated as notice period and there is no mention whatsoever in this letter of any harassment or coercion which might have egged him on to submit the resignation. It may also be stated that Shri Siri Chand while appearing as a witness, has stated in un-ambiguous terms that whatever was stated in the letter, Ext.R/1 was correct.

Leave applications accompanied by medical certificates Exts.R/14 to R/28, during the period upto 3-10-69, have also been relied upon by the respondent bank to show that Shri Siri Chand was actually ill for the relevant period and he had been on leave on medical ground most of the time during the years 1968 and 1969.

Besides Shri Siri Chand, while appearing as a witness, has stated that he had been sick for three to four months in the year 1968-69 and reported for duty when he felt fit, and that it was correct that he had been on sick leave for the period mentioned in the paragraph 11 of the written statement filed by the respondent bank, due to plueurecy and Bronchitis.

13. Shri Siri Chand had alleged while appearing as a witness that he had been told by Shri J. N. Sharma, the then Manager, of the Nirwana branch of the respondent bank, that his leave would not be sanctioned unless he executed an undertaking in favour of Shri Ram Lal, and that he would be responsible as per guarantee furnished by him to the respondent bank and he would be liable for any acts of commission or omission of Shri Ram Lal and that Shri J. N. Sharma had insisted that he (Shri Siri Chand) should hand over charge to Shri Ram Lal. He has, however, admitted that he had not made any complaint in writing about the alleged coercion or harassment having been exercised for securing his signatures on the undertaking but added that at that time, he was told that his promotion would be withheld if he did not sign such an undertaking.

In this behalf it may be stated that Shri J. N. Shahi, who has appeared as a witness has categorically denied that he had ever harassed Shri Siri Chand or coerced him in order to prevail upon him to give an undertaking in favour of Shri Ram Lal or to put his signatures on an undertaking or had humiliated him by asking him to sit where the peons sat.

From para 2 of the statement of claim it transpires that Shri Siri Chand had entered into an agreement, called as Head cashiers' agreement, Ext.R/6, and had agreed to guarantee commission and commission of cashiers working under him.

It is also in evidence that as per representation of the workmen, the respondent bank had agreed to give officiating chances to the next senior man in the branch as per clause 7 of the agreement, and Shri Siri Chand has not explained as to why Shri J. N. Sharma, Manager of the branch should have insisted upon Shri Siri Chand to give a guarantee in favour of Shri Ram Lal, or that Shri Ram Lal was not the next senior man to be promoted to officiate as head cashier, when Shri Siri Chand proceeded on leave.

14. The respondent bank has placed on record a true copy of judgment of the Madhya Pradesh High Court of Civil writ No. 453 of 1967, whereas para 3 goes to show that consent for giving an undertaking in favour of an employee, as per agreement Ext.R/6, cannot be withheld by an employee as that would tantamount to misconduct.

Even if it were to be conceded that Shri J. N. Shahi had actually insisted upon Shri Siri Chand furnishing an undertaking in favour of Shri Ram Lal, it cannot be considered as harassment.

It has been contended on behalf of the concerned workman that leave applications which were given on about 23 occasions on the ground of illness, and that leave application R/29 accompanied by medical certificate, R/30, disclosed the state of mind of Shri Siri Chand due to his continued long illness, and that letter A/1, dated 1-8-69, addressed to the branch office by Shri Siri Chand showed that Shri Siri Chand, who was suffering from chest trouble, had been receiving letters from the branch Manager, creating hindrance in his securing leave, and from all this it should be inferred that Shri Siri Chand who had been ill continuously for a long period was being harassed even in the matter of grant of leave.

It may in passing be stated that Shri Siri Chand has not been able to show that any of his leave applications accompanied by a medical certificate had been turned down.

15. According to Shri Siri Chand since the letter, Ext. R/1, dated 3-10-69 of resignation had been tendered under protest, it cannot be treated as a letter of resignation, as it was addressed to the branch office and not to the appointing authority, who is now the General Manager and previously it was the Managing Director.

The question that arises for consideration is whether the resignation as per this letter had actually been accepted by the competent authority of the respondent bank, prior to the withdrawal having been communicated by Shri Siri Chand.

Shri M. B. Uppal, Staff Superintendent, R.W.2, has stated that on the receipt of the resignation, Ext.R/1, dated 3-10-69, he had put up note Ext. R/2, where upon the General Manager passed orders, Ext. R 2/3 on the 13th October, 69, accepting the resignation, and that these orders were received in his office on the 13th morning between 10.00 A.M. and 12.00 noon and the telegram, Ext.R/10, had been received purporting to be from the Head Cashier, Nirwana branch between 4.00 and 5.00 P.M., on which he had made an endorsement, Ext.R/10/1. According to him office order, Ext.R/3, which has no mention of despatch or receipt of note R/2 or regarding its sending to the General Manager, was passed concerning the acceptance of resignation of Shri Siri Chand at about 12.00 noon and letter, Ext.R/4, signed by him was addressed to the Manager, Nirwana branch, intimating to him, acceptance of the resignation of Shri Siri Chand, and that he treated the leave period as notice period, since he (Shri Siri Chand) had requested that he be relieved from duty from 2nd November, 1969.

Shri Jaspal Singh, Deputy Superintendent, Staff Department has also deposed that on the receipt of the letter, Ext.R/1, he had submitted notice, Ext.R/2, and a note was recorded in the margin by the Staff Superintendent, Ext.R/2/1 and R/2/2 by the Deputy General Manager and Ext.R/2/3 by the General Manager, and an office order was thereafter issued, a copy of which is Ext.R/3, accepting the resignation and on its basis, letter, Ext. R/4, was sent to the Manager, Nirwana branch for communication of approval of the resignation to Shri Siri Chand, who sent communication to Shri Siri Chand, a true copy of which is Ext. R/5, and that resignation of Shri Siri Chand had been accepted earlier to the telegram, Ext.R/10, which has also been exhibited as R/9.

There is of course nothing to indicate from this telegram as to when it was received in the branch office, Nirwana of the respondent bank, but as has been stated by Shri Uppal, it was received between 4.00 and 5.00 P.M., and the acceptance of the resignation had already taken place at 12.00 noon by the General Manager, and as such the resignation was complete and could not be withdrawn subsequently.

It has been maintained by the authorised representative of the respondent bank that under section 88 of the Evidence Act, no presumption can be drawn about a message that may be contained in a telegram as to, by whom it had been sent and by whom. It is true that no such presumption arises, but in the present case Shri Siri Chand has made a statement that he had sent the telegram, and it can, therefore, be taken that the telegram in question had been sent by him which has a mention of his name as sender. In this way, the respondent bank has sought to establish that there was in fact no withdrawal of the resignation as the authenticity of telegram was doubtful. However, since Shri Siri Chand has appeared as a witness and averred that he had sent the telegram, there is hardly any force in the plea taken by the respondent bank.

15. It has been urged by the authorised representative of the workman that no reasons have been given by the General Manager while accepting the resignation, inasmuch as the word "approval" appeared, and while relying upon 1970-Services Law Reporter-363, a decision of the Punjab & Haryana High Court he has maintained that since it was not a speaking order, it showed that the General Manager had not applied his mind, inasmuch as it did not disclose as to the date from which resignation had been accepted. There is, however, no substance in this argument as after considering the note, Ext.R/2 of the Deputy Superintendent, Staff Department, and endorsements made thereon in the margin by the Staff Superintendent and Deputy General Manager, had recommended the acceptance of the resignation, and as such the General Manager had obviously applied his mind and approved all these recommendations and there was hardly any need of his having written a detailed order or speaking order in that behalf.

This apart, the citation relied upon the workmen relates to a case of termination of services, which order is of a quasi-judicial nature, whereas the acceptance of resignation is not a judicial or quasi-judicial order, but an 'administrative' order.

It has also been urged on behalf of the concerned workman that there was an endorsement on the telegram, Ext.R/10 that there was no reason for a change now, and from this it has been sought to be inferred that the relationship of employer and employee existed at that time. However on this there is also endorsement by the Deputy General Manager that since the resignation had already been accepted, it was not necessary to give reasons and that the General Manager had passed orders on it "yes" i.e. approving the orders of the Deputy General Manager.

With this back ground it has to be determined whether the resignation in question had become effective or not after its acceptance.

It has been held in A.I.R.-1972-Calcutta-378, while relying upon A.I.R.,-1954-584, that the fact that resignation was to be effective from a future date did not mean that resignation was not accepted until that future date.

In the present case also the resignation tendered was to be effective as from 2nd November, 1969 i.e. from a future date but as has been stated earlier, the resignation of Shri Siri Chand was accepted on 13-10-69, prior to its withdrawal and that the relationship of employer and employee ceased to exist.

1970-I-L.L.J.-13, a decision of the Supreme Court has also been relied upon respondent bank to show that cases of termination of services are different from those of resignation, inasmuch as in the case of termination of services the order does not become effective until such an order is communicated to the concerned workman, but that could not be so in the case of resignation.

Another citation reported as 1954-All-638 has also been held upon by the respondent bank in order to show that where the resignation had already been accepted, there was no question of its withdrawal, that even if application for withdrawal had been received before the resignation was accepted, the person who tendered resignation could not claim



a right to withdraw the resignation when it was unconditional and that it was discretionary with the appointing authority under such circumstances to allow withdrawal of the resignation or not.

In regard to the question whether the resignation was voluntary or had been tendered by Shri Siri Chand due to harassment and coercion, it has been maintained on behalf of the workmen that Shri Siri Chand had submitted application, Ext.R/29, for the grant of leave from 3-10-69 to 1-11-69, and requested that the period of leave be treated as notice period, and that if Shri Siri Chand had wanted to resign voluntarily, he would not have submitted letter Ext.R/1. In this connection reliance has been placed on letter, Ext. R/1 which shows that Shri Siri Chand had sent letter by way of resignation to the branch Manager mentioning therein his hostile attitude towards him, while referring to his earlier letter, dated 24-6-69, in which he had been warned for his lapses that had been found out on inspection of godown.

R/11 is another letter from the Head Office, dated 1-10-69, to which a reference has been made in this behalf wherein it has been stated that if Shri Siri Chand hesitated to give an undertaking under the agreement Ext.R/6 asking for reasons for not dealing so and that necessary action be taken.

Letters, R/12 and R/13 have also been referred to which have a mention that it was not proper to make arrangement at his risk and responsibility given in the undertaking, and also to letter A/13, dated 5-9-69, regarding his nomination for the post of head cashier.

On the basis of the aforesaid documents, it has been maintained by the authorised representative of the workman that this attitude had been adopted by the branch Manager towards Shri Siri Chand, so as to coerce or harass him which adversely affected his mind, and that he became victim of mental torture and that all these letters indicated the chain of events which led Shri Siri Chand to tendering resignation, Ext. R/1.

Statement of Shri J. N. Sharma has also been relied upon, wherein he has admitted that some letters had been sent to Shri Siri Chand, and that there was a controversy regarding handing over charge, while he was on leave.

There is no manner of doubt that Shri Siri Chand appeared to be reluctant to give an undertaking but the mere fact that he was reluctant to do so, does not go to show that there was any harassment caused to him for giving an undertaking which he was otherwise also out bound to furnish as per rules, and as has been held by the Madhya Pradesh High Court in Civil Writ No. 453 of 1967, wherein para 3 goes to show that consent for giving an undertaking in favour of an employee cannot be withheld by an employee, as that would tantamount to misconduct. Apart from this no particular ill-disposition of the Manager Shri J. N. Sharma towards Shri Siri Chand has been brought out.

In fact Shri Siri Chand on his own showing has been ill from chest disease for a long period and he had made a specific mention of this fact in the resignation, Ext. R/1 and also of the fact that he could not continue to discharge his duties due to ill-health and this is also borne out from the various leave applications given by him and medical certificates submitted by him and that he had secured leave on medical ground during 1968-69, on a large number of occasions.

There is thus nothing on the record from which it could be concluded that Shri Siri Chand had been victimised or harassed as alleged by him, and that the resignation was not voluntary and was due to coercion or harassment.

It has also been maintained by the workmen that Shri B.R. Nair another Head Cashier, who had submitted resignation, Ext. A/27 and which was accepted *vide* Ext. A/28 by the General Manager of the respondent bank, had been allowed to withdraw the resignation as per his application, Ext. A/30, and orders passed thereon Ext. A/31, which showed that he (Shri Siri Chand) had been discriminated against.

It is true that in the case of Shri B. R. Nair, he had been allowed to withdraw resignation after its acceptance but this solitary instance cannot form a precedent, as stated earlier on, that in the absence of any ill-disposition towards Shri Siri Chand it could not be claimed that there had been discrimination against him.

Apart from this, as has been held in 1954-All. 638, it is discretionary with the employer to allow withdrawal of resignation, even after its acceptance.

Besides there is no material on the record to show under what circumstances Shri Nair had submitted resignation.

In the present case, however, on the showing of Shri Siri Chand himself, he had been continuously ill for a long period and due to his ill health he had himself given out that he was not able to discharge his duties. Needless to add that an employer has a right to exercise his discretion in each case.

Another point that has been raised on behalf of Shri Siri Chand was that undue haste had been shown in securing orders on note, Ext. R/2, from the General Manager in respect of acceptance of the resignation of Shri Siri Chand, in order to show that in fact the resignation had been accepted before the receipt of the telegram, and that though the resignation had been received in the office on 10th, it had not been put up till 13th to the General Manager for securing appropriate orders.

There is, however, no substance in this plea as none seems to have been interested unnecessarily ousting Shri Siri Chand from service, and it could have been due to rush of work or otherwise that Letter of resignation, Ext. R/1, was not dealt with on the same day and the note was not sent to the General Manager for consideration till the 13th.

Yet another plea has been taken on behalf of Shri Siri Chand that the leave period could not be treated as notice period. There is again no force in this contention as the workman had himself requested that his leave period as notice period.

Under these circumstances, it is held that the management of the respondent bank were justified in accepting the resignation of Shri Siri Chand with effect from 2nd November, 1969.

No order as to costs.

24-1-73.

[No. 321]

P. P. R. SAWHNY, Presiding Officer.

New Delhi, the 26th February, 1973

**S.O. 727.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Mahadoba, Post Office Jealgora District Dhanbad and their workmen, which was received by the Central Government on the 22nd February, 1973.

[No. L-2013(213)/71-LRII]

KARNAIL SINGH, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

## Reference No. 2 of 1972

## Parties :

Employers in relation to the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P.O. Jealgora, (Dhanbad).

AND

Their Workmen.

## Present :

Shri D. D. Seth, Presiding Officer.

## Appearances :

For the Employer :—Shri S. S. Mukherjee, Advocate.

For the Workmen :—Shri S. Das Gupta, Advocate.

State : Bihar.

Industry : Coal.

Dhanbad, dated the 13th February, 1972

## AWARD

This is a reference made by the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947 and arises out of the order of the Central Government No. L/2012/213/71-LRII dated New Delhi, the 13th January, 1972 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule of the said order which runs as follows:

"1. Whether the action of the management of Sijua Colliery of Messrs Tata Iron & Steel Company Limited, Jamadoba, Post Office Jealgora, (Dhanbad) in not placing Shri J.R. Viswakarma, Mechanical Fitter in Grade-I, Category VI as per the recommendations of the Central Coal Wage Board is justified? If not, to what relief is the concerned workmen entitled and from which date?

2. Whether the action of the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, (Dhanbad) in transferring Shri Viswakarma, Mechanical Fitter from Sijua Colliery to Jamadoba Colliery without the facility of residential accommodation at Jamadoba Colliery is justified? If not, to what relief is the concerned workman entitled?"

2. After the receipt of the reference notices were issued to the parties who filed their written statement and also rejoinders to the written statements filed by the opposite party.

3. For a clear and proper appreciation of the dispute referred to this Tribunal a short history of the fixation of wages in respect of the collieries in this country may be relevant. It will also be relevant for the reason that various awards have been referred to by the learned representatives of the parties during their arguments before me.

4. Prior to 1947, there was no uniformity in the wage structure and work load of the different categories of workmen in the coal mining industry. In 1947, the Government of India, Department of Labour, in exercise of the powers conferred by section 3 of the Trade Disputes Act, 1929 constituted a Board of Conciliation on the question of a "positive policy in regard to the wages of the colliery workers". The award of this Board of Conciliation was published on 12th May, 1947. Certain difficulties were felt in the interpretation of the award and to solve those difficulties the parties entered into an agreement in the presence of the then Chief Labour Commissioner, Shri S. C. Joshi. This agreement is known as "Joshi Agreement" and was in respect of the collieries situated in Bihar and Bengal. Similar steps were taken for the colliery workers in other States and the Conciliation Board award for Bihar and Bengal was followed by similar awards for the coal workers in other coal producing States. All these awards, however, were Region-wise. In 1954, the Government of India with a view "to bringing about uniformity in the mining industry as far as possible", in exercise of the powers conferred upon it by the Industrial Disputes Act, 1947 (Act XIV of 1947), constituted the All India Industrial Tribunal (Colliery Disputes) popularly known after its Chairman Shri J. N. Majumdar, as the Majumdar Tribunal. The award of the Majumdar Tribunal, here-in-after referred to as the Majumdar Award,

was published on 26th May, 1956 in the Gazette of India as required by the Industrial Disputes Act, 1947. Against the Majumdar Award, several appeals on behalf of both the workmen and the employers were filed before the Labour Appellate Tribunal of India, which were heard by a Special Bench presided over by Shri F. Jeejeebhoy the then Chairman of the Labour Appellate Tribunal of India. The Labour Appellate Tribunal gave its decision on 29th January, 1957 modifying the award of the Majumdar Tribunal. Thereafter there was the arbitration award of Shri A. Das Gupta in the colliery disputes given on 30th December, 1959.

5. Lastly there was the report of the Central Wage Board for the coal mining industry contained in two volumes and the recommendations given by this Wage Board, herein-after called the Wage Board Recommendations, were implemented on 15th August, 1967.

6. Now the respective cases of the parties, as contained in their written statements and rejoinders, may be set out briefly.

7. The case of the management, according to its written statement, is that the workman concerned in this reference, Shri J.R. Viswakarma was employed by the management as a Mechanical Fitter (Automobile) since 28-10-64 and was posted at the garage section attached to the Central Stores at Jamadoba and worked under the supervision and direction of the Assistant Engineer and Supervisors in the garage section. It is mentioned in paragraph 4 of the management's written statement "that the vehicles including the Payloader operating in Sijua Group had also to be attended to by the fitters of the garage section of Jamadoba which resulted in a lot of time being wasted on account of the Fitters going up and down from Jamadoba to Sijua and consequent loss of production. In order to cut down the delay Shri Viswakarma was transferred to Sijua Group with the post from 1-10-1969 and while at Sijua Shri Viswakarma was still guided and supervised in his work by the Assistant Engineer, Garage Section, Jamadoba".

8. According to the management's case for other major work the vehicles had to be taken to the garage section at Jamadoba. The nature of the job of Shri Viswakarma while working at Sijua was the same as at Jamadoba. Paragraph 7 of the management's written statement is important and is being reproduced as below :—

"That prior to the Wage Board Recommendations all Mechanical Fitters (Automobile) including Shri Viswakarma were in the grade of Rs. 46-3-64-4-80-EB-5-120. That on implementation of the Wage Board Recommendations all the above said fitters were placed in the grade of Rs. 205-7-247-10-337-10-387".

9. It is further the case of the management that Shri Viswakarma did not work in an independent capacity and like other Mechanical Fitters worked under the guidance and control of the Assistant Engineer and that considering the duties performed by Shri Viswakarma and his responsibilities, he should have been entitled to category V as fitter Grade-II as weekly paid workman. The management, however, placed all the Mechanical Fitters including Shri Viswakarma in the monthly grade mentioned in paragraph 7 of the written statement quoted above, which according to the management was equivalent to combined grade of category V and category VI of the Wage Board Recommendations. On 31-1-1972 Shri Viswakarma appeared in a test held in Sijua and was provisionally appointed as a Pay-Loader operator for a period of three months, at the first instance, and as a pay-loader, he was put in the scale of Rs. 245-10-305-15-440 with effect from 1-3-1972. In paragraph 11 of the written statement of the management it is stated that while at Jamadoba, Shri Viswakarma had no quarter and that the allotment of a quarter was not a condition of service but while at Sijua it was felt that the work undertaken by Shri Viswakarma required his presence near the collieries to attend to break-down at odd hours and hence he was allotted accommodation temporarily and on his transfer back to the garage section of the Central Stores of Jamadoba the special consideration for allotment of quarters of Shri Viswakarma did not arise and hence he was not allotted any quarter at Jamadoba. It is, however, stated in paragraph 14 that after the failure of the conciliation proceedings between the parties and, as a result of discussion between the office bearers of the recognised union



and the management, and at the request of the union, the management agreed to allot a quarter to Shri Viswakarma at Jamadoba as a special case. At the request of the union of the workman Shri Viswakarma, after an interview and test, was provisionally appointed as Pay-loader operator at Sijua Group subject to his obtaining a license for driving Heavy Vehicles. It is also the case of the management that since Shri Viswakarma was given accommodation at Jamadoba as a special case the question of providing facility of residential accommodation to Shri Viswakarma at Jamadoba Colliery did not arise and is no longer a live issue for adjudication. It is also the management's case that since Sri Viswakarma is working as a Payloader operator his demand for "Mechanical Fitter Grade-I, category VI" does not arise. According to the duties performed by Sri Viswakarma the management was justified in not placing him in "Mechanical Fitter Grade-I, category VI as per the recommendations of the Central Wage Board" and he is not entitled to any relief.

10. The case of the workmen, as contained in their written statement, may be briefly stated as follows:—

Messrs. Tata Iron and Steel Co. Ltd., have six collieries in Jharia coalfield and Sijua Colliery is one of these six collieries. Besides those six collieries the company also has Central Washery, a Central Stores, a Central Workshop and a Central Power House, all situated at Jamadoba. Paragraph 4 of the workmen's written statement is important and has to be reproduced as below:—

"That the Majumdar award as modified by the decision of the Labour Appellate Tribunal, placed Fitters in category IV, category VII, category IX and category X. Subsequently, the Das Gupta award fixed the incremental scales for all categories of workmen. The pay scales fixed for the aforesaid four categories were as under:—

"Category IV—Rs. 32.50-2.34-46.54

Category VII—Rs. 48.75-3.64-70.59

Category IX—Rs. 71.50-3.64-93.34

Category X—Rs. 85.5-115".

11. It may be mentioned that the contents of paragraph 4 of the written statement of the workmen have been admitted as substantially correct in the rejoinder filed by the management. Paragraph 5 of the workmen's written statement is also important and according to it the management introduced an integrated scale for fitters e.g. Rs. 49-3-64-4-80-EB-5-120 which started with the initial pay of category VII and ended with the top of the scale for category X, mentioned in paragraph 4 of the workman's written statement. The workmen's further case is that Shri Viswakarma was appointed on 28-10-1964 as a Mechanical Fitter (Automobile) at the Central Stores Garage Section of Jamadoba and in view of the special skill he possessed special training which he had obtained and the special type of jobs for which he was appointed, he was given the starting salary of Rs. 80/- per month in the scale of Rs. 49-3-64-80-EB-5-120. According to the workmen the Coal Wage Board in its report recommended category IV, Category V and category VI for fitters and regarding the fitments in new scales it was recommended that the fitters who were on old category IV, should be fitted in new category IV, those in old category VII should be fitted in new category V and those in old category IX should be fitted in new category VI. Shri Viswakarma, according to the workmen, beside being a fitter is a capable Motor Mechanic and has to attend to all sorts of minor and major repairs, break-downs, general maintenance work of trucks, cars, cranes, jeeps, tractors and payloaders and he is capable of dismantling repairing and reassembling petrol and diesel engines and is also able to diagnose mechanical faults, rectify them and to tune the running of the engines so as to produce maximum efficiency. This is the reason, according to the workmen that the Motor Mechanic has been placed in Category VI "by the Coal Wage Board". It may be mentioned that the wages scales recommended by the Coal Wage Board for Category V and category VI were as under:—

Category V—Rs. 206.70-7.28-279.50

Category VI—Rs. 283.40-10.40-387.40

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12. The management, according to the workmen, revised the scale of the fitters and fitted the fitters in the new scale and the revised scale was Rs. 205-7-247-10-337-10-387 which is the integrated scale for category V and category VI. Shri Viswakarma was fitted at Rs. 219/- per month in the aforesaid scale of fitters on 15-8-1967. He was entitled to the wages of category VI in terms of the recommendations of the Coal Wage Board but since his new wage fell much below the starting pay of category VI in the scale of Fitters, he demanded fixation in category VI scale of pay with effect from 15-8-1967 but this demand was turned down by the management.

13. That with effect from 1-10-1969, Shri Viswakarma was transferred to Sijua Colliery where he had to attend to and repair all trucks, tractors, jeeps, cars, cranes and payloaders/tractor shovels independently and without any guidance from anybody. It was only in case of major breakdowns, that the conveyances used to be sent to Jamadoba. In paragraph 14 of the written statement it is mentioned that while at Jamadoba Shri Viswakarma had no quarter but with his transfer to Sijua Colliery he was allotted a quarter as his presence in the colliery was considered essential. After his transfer to Sijua Colliery Shri Viswakarma again raised his demand for fitment in Category VI and pressed his case through the union. In paragraph 18 of the workmen's written statement it is mentioned that Shri Viswakarma was one of the best mechanics and earned not only the appreciation of everyone but also obtained a number of rewards for his valuable performances and suggestions. In paragraph 25 it is stated that after the transfer of Shri Viswakarma from Sijua to Jamadoba, two persons namely one fitter and another helper, were sent from Jamadoba to Sijua to handle the same work which used to be performed by Shri Viswakarma singlehanded. With effect from 1-3-1972 Shri Viswakarma was promoted as a pay-loader operator and was posted at Sijua Colliery and was allowed to stay in his old quarter and according to the workmen, the dispute regarding Shri Viswakarma's transfer to Jamadoba Colliery without the facility of residential accommodations as mentioned in item 2 of the Schedule of the Order of the reference "stands more or less settled". Paragraph 28 of the workmen's written statement is important and it states that as a Pay-loader Operator, Shri Viswakarma has been offered the pay scale of Rs. 245-10-305-15-440 and has been fitted at Rs. 265/- per month with effect from 1-3-1972. According to the workmen Shri Viswakarma was not given category VI from 15-8-1967 and also since he has not been given the appropriate initial pay in the new scale, the dispute mentioned in item no. 1 in the Schedule of the Order of Reference persists. The workmen's case is that Shri Viswakarma should be placed in category VI with retrospective effect from 15-8-1967 and be fitted in his existing scale of pay taking into consideration all the increments that would have accrued to him in category VI.

14. The written statement of the workmen also contains the rejoinder of the written statement filed on behalf of the management and reiterates that neither at the Central Stores at Jamadoba nor at Sijua, Shri Viswakarma worked under any Supervisor but worked independently, although he was under the administrative control of the Engineer and the Assistant Engineer and took work orders and necessary instructions from them. It is also stated by the workmen that, at Sijua, Shri Viswakarma was more independent and had to assume more responsibilities because there was no Engineer or Asstt. Engineer whose advice he could seek in case of difficulty. It is also reiterated that Shri Viswakarma was entitled to category VI. The workmen contend that the action of the management in not placing Shri Viswakarma in category VI according to the recommendations of the Coal Wage Board was unjustified, mala fide and illegal.

15. On behalf of the management a rejoinder has been filed in which it is accepted that Shri Viswakarma was given the starting salary of Rs. 80/- per month but it is denied that this was due to any special skill possessed by him. According to the management, as it was in urgent need of a mechanical fitter in the Central Garage Section and as candidates for that post were not readily available, the starting salary of Rs. 80/- was given to Shri Viswakarma. It is also reiterated in the rejoinder filed by the management that considering the duties performed by Shri Viswakarma he is entitled to category V and not to category VI. In paragraph 23 of the rejoinder filed by the management it

is stated that Shri Viswakarma was appointed permanently as a payloador operator in the scale of Rs. 245-10-305-15-440 and has been given the starting salary of Rs. 265/- per month.

16. Both the parties produced documentary and oral evidence. The documents produced by the management were marked Exts. M1 to M32. Out of these, formal proof of the documents marked Exts. M1 to M4 was waived on behalf of the workmen.

17. The workmen filed documents which were marked Exts. W1 to W50. Out of these the formal proof of exhibits W1 to W21 was waived on behalf of the management.

18. The management examined Shri Ramamurthy as M.W.I. Besides proving documents Exts. M5 to M32 he stated that he has been working as Assistant Engineer (Automobile) in the colliery concerned since December, 1966 and knows Shri Viswakarma who was the Mechanical Fitter at the relevant time and was working in the garage. There were nine more mechanical fitters in the garage and all the mechanical fitters doing the same type of work were posted in the same scale. The witness stated that Shri Viswakarma was not working independently but worked under his supervision and direction while working at Sijua. He further stated that Shri Viswakarma was under the control and supervision of work under the witness and for administrative purposes was under the control of the Manager of Sijua Colliery. According to the witness the major repairs and overhauling of all the machinery in Sijua Colliery were attended to by the Central Garage and minor repairs were attended by the Mechanical Fitters at Sijua and the duties and responsibilities of Shri Viswakarma were the same at Jamadoba as at Sijua. There was no Workshop for Automobile in Sijua Colliery. In cross-examination the witness stated that he is still working as Asst. Engineer of Automobile in the colliery and, at present, only one payloador is working in Sijua Group as the other payloadors have gone out of order. The witness joined the colliery in 1966. There were five Mechanical Fitters in the garage including Shri Viswakarma and all of them worked under the supervision of the witness. All the Mechanical Fitters used to repair payloadors and it is not correct that only Viswakarma used to repair payloadors. The witness further stated that it is not a fact that only Viswakarma was sent to Sijua Group to repair the payloadors. Other fitters such as Mickle John, Suleman were also sent for repairs. The witness admitted that Mickle John and Suleman were not receiving higher salary than Shri Viswakarma but the scale was the same. Both Mickle John and Suleman were receiving lower basic salary than Viswakarma. The witness further stated that Viswakarma was transferred to Sijua Group for attending to running repairs of payloadors and denied that other fitters were not transferred as they were incapable for attending the running repairs. The witness further denied that two fitters were sent for repairs of payloadors at Sijua Colliery after Shri Viswakarma was promoted as payloador operator. By running repairs the witness meant jobs which could be done within one or two days. The witness stated that it was not correct to say that Viswakarma was attending to both running and heavy repairs at Sijua. The witness also stated that it was not correct to say that during his period of service it was only Viswakarma who was able to undertake heavy repairs while working as operator because other operators were also doing the same jobs.

19. The workmen examined two witnesses. The first is Gukulanand Singh, W.W.I, Secretary of the Colliery Mazdoor Sangh, Sijua Branch and also the Treasurer of the Sangh. He stated that Colliery Mazdoor Sangh was the recognised union in Tata's Colliery. The witness further stated that he normally attends to negotiations between the union and the management. Prior to the Majumdar Award, fitters in the colliery belonging to Tata's were on different personal pay. Majumdar Award fixed the fitters in four categories namely category IV, category VII, category IX and category X and no fitter was placed in category IV in Tata's Colliery. All the fitters were placed in category VII to category X—the scale being Rs. 49/- to Rs. 120/- and while implementing the Wage Board Recommendations this scale was revised from Rs. 205/- to Rs. 387/- which was equivalent to the combined scale of category V and category VI of the Wage Board Recommendations. The witness proved

Ext. W22, Ext. W23, and Ext. W24 which were letters addressed to the Assistant Labour Commissioner (C), Dhanbad. In cross-examination by Shri S. S. Mukherjee on behalf of the management the witness stated that in Sijua Colliery there were also "colliery fitters". There were separate fitters known as Mechanical and Electrical Fitters. The witness denied that in Tata's Colliery the scale of fitters was Rs. 46/- to Rs. 120/-. The next witness examined by the workmen is the concerned workman, Shri J. R. Viswakarma, W.W. 2, who stated that, at present, he is working as a payloador operator in the Sijua Colliery belonging to Tata's and was appointed on 28-10-1964 as Mechanical Fitter (Automobile) and was posted at the Central Stores Garage at Jamadoba. His duties at the garage consisted on finding out defects and repairing of Motor cars, trucks, tractors, cranes and payloadors. He used to do all the repairing work independently. The witness admitted that Mr. Ramamurthy, Assistant Engineer was his immediate Boss. There was no other fitter in the garage who did the repairing work of payloador except the witness. Payloadors were introduced in 1966 and since then the witness has been repairing them. For repairing the payloadors the witness used to go to the Sijua Group to repair them. According to the witness he used to do both running repairs as well as heavy repairs in the Sijua Group. The witness was transferred from Jamadoba garage to Sijua Group on 1-10-1969 and when he was transferred there were no payloadors working in Jamadoba Group. At the relevant time to payloadors were in operation in Sijua Group. After his transfer to were in operation in Sijua Group. After his transfer to Sijua the witness had to do both running repairs and heavy repairs and he was the only fitter for repairing the payloadors in Sijua Group as no other fitters were ever sent from Jamadoba to Sijua either to help or guide him. The witness further stated that it was only when heavy parts of the payloadors such as engine etc., had to be dismantled for which a crane was necessary or when some essential part had to be manufactured and brought from Jamadoba that the payloadors were sent to the Jamadoba garage. The witness also stated that he was promoted as a payloador operator with effect from 1st of March, 1972 and after his promotion Shri Vaskar Das, Fitter, Shri Felix Aroza, Helper who were later promoted as fitter and Shri Panikar, Jr. Asstt. Engineer were deputed to Sijua for repairing the payloadors. According to the witness except he and no other operator did repair any payloador or was ever called upon to do so and such repairing of the payloador was done by him both within his duty hour and also outside the duty hour, for which he was paid overtime wages. When the witness was appointed originally in 1964 he was placed in the scale of Rs. 49/- to Rs. 120/- with the starting basic salary of Rs. 80/- per month. At that time Mickle John and Suleman were working as Mechanical Fitter in the garage and their salaries were not more than Rs. 58/- to Rs. 60/-. Shri Viswakarma also stated that while implementing the Wage Board Recommendations he was placed in the scale of Rs. 205/- to Rs. 387/- and his salary was fixed at Rs. 219/- per month although he applied for higher salary. Shri Viswakarma went on to state that while working as a Mechanical Fitter under Mr. Ramamurthy he had to detect defects and to repair them and to reassemble the engine before handing over the same to Mr. Murthy in a running condition. The witness proved Exts. W25 to W55. The witness stated that he received seven rewards for having put forward suggestions mostly for improvement of payloadors.

20. In cross-examination by Shri Mukherjee Shri Viswakarma stated that in the garage attached to the Central Stores, Jamadoba, repairing and maintaining of tractors, cranes and payloadors were undertaken and at Sijua payloadors, trucks, cars, jeeps were being attended to. The witness denied that in cases of major break downs or overhauling the payloadors were brought to Jamadoba garage because such a work was being attended to at Sijua also. The witness was asked whether he has used micrometer while at Sijua and stated that he has done so. He further stated that in micrometers measurements were made. The witness was shown a pencil and a micrometer and he stated that he could not measure the thickness of the pencil by the micrometer shown to him. The witness stated that it was not a fact that he had never used the micrometer and also denied that at the time of break down of payloadors either Mr. Ramamurthy or any other Assistant Engineer of Automobile used to go to Sijua. The witness further denied that the break downs of payloadors were due to his negligence and that he was warned by any letter. The witness admitted

that he did not complain "before the Labour Department" for not being given proper category as per Wage Board Recommendations. In re-examination by Shri S. Das Gupta, on behalf of the union, Shri Viswakarma stated that no such garage like the Central Stores Garage at Jamadoba existed in Sijua Colliery and stated that the Mechanical Fitters in Sijua Colliery do not attend to the repairs of vehicles and also stated that the thickness of the pencil shown to him could be measured by a micrometer which is smaller than what was shown to him.

21. Before I consider the various contentions of the learned representatives of the parties, it is relevant, at this stage, to mention that Appendix XII of Majumdar Award consists of 10 categories and "fitters" are mentioned in category IV, category VII as fitters "Grade II", category IX and category X as fitters "Head Colliery".

22. In the decision of the Labour Appellate Tribunal of India the chart contains the total emoluments of all categories upto category X. In respect of category X, the basic wage is shown as Rs. 85-5-115.

23. In Appendix V of the Wage Board Recommendations (Vol. II) fitters find a place at item no. 10 at page 48 and in front of the word "fitters" the following is mentioned:—"All existing fitters" in Category VII, including Loco Mechanic Fitters will be placed in new Category V.

24. At page 49 of the Wage Board Recommendations (Vol. II) Appendix V, in front of "category V" words (skilled senior) are mentioned and item no. 21 at page 49 of the Wage Board Recommendations mentions "Fitter" (Grade II) (W) and in front of the word "Fitter" the following observations appear:—"A workman capable of accurate filing and accurate fitting of bearings, keys, etc. He must have a knowledge of the degrees of tolerance required in different jobs. He must have an adequate knowledge of the assembly, lubrication and efficient running of the machines which he is called upon to repair. Sometimes such a fitter is known as "Viceman".

25. At page 50 of the Wage Board Recommendations (Vol. II) in Appendix V, in front of "fitters" category VI the words "highly skilled" are mentioned in bracket and item no. 3 of category VI mentions fitters (W) and in front of the word "fitters" the following is mentioned:—"All fitters" in Old Category IX including loco mechanic fitters should be placed in new Category VI.

26. Then again the word "fitters" is mentioned at item no. 9 in Appendix V (Page 50) of the Wage Board Recommendations (Vol. II) as fitter-Grade I (W) and in front is mentioned the following:—"A workman capable of accurate filing and accurate fitting of bearings, keys, etc. He must have a knowledge of the degree of tolerance required for any particular job. He must have a good knowledge of assembling, lubrication and efficient running of the machines which he is called upon to repair. He must be able to read and use micrometers and other similar instruments for accurate measurement".

27. The scale of wages recommended by the Wage Board Recommendations for various categories is to be found at page 59 (Vol. I) of the Wage Board Recommendations. The minimum daily wage for a category V workman is Rs. 7.95 with an increment of Rs. 0.28 going upto Rs. 10.75 maximum, and for category VI the minimum daily wage recommended is Rs. 10.90 with an increment of Rs. 0.40 going upto maximum daily wage of Rs. 14.90. Converting these scales on monthly basis the wages for a workman in category V work out to be Rs. 206.70 with an increment of Rs. 7.28 and going to the maximum of Rs. 279.50 and for category VI the monthly wages work out to be Rs. 283.40 with an increment of Rs. 10.40 going upto the maximum of Rs. 387.40.

28. Now I proceed to deal with the contentions of the learned representatives of the parties.

28.A Item no. 2 of the dispute in the schedule in the order of reference referred to this Tribunal, raises no difficulty and can easily be answered. The learned representatives of both the parties have stated before me that issue no. 2 is no longer a live issue and no dispute about that issue

arises from the pleadings of the parties. In paragraph 14 of the written statement filed on behalf of the management it is stated that at the request of the union of workmen and, as a result of discussions, between the office bearers of the recognised union the management agreed to allot a quarter to Shri Viswakarma at Jamadoba as a special case. This position is admitted in paragraph 27 of the workmen's written statement in which it has been stated that with effect from 1-3-72 Shri Viswakarma has been promoted as a payloader operator and has been posted at Sijua Colliery and has been allowed to stay in his own quarter and, as such, the dispute regarding his transfer to JamaCoba Colliery without the facility of residential accommodation as mentioned in item no. 2 of the Schedule in the order of reference stands more or less settled.

29. In view of the above statements made by the parties item no.2 of the schedule in the order of reference will have to be answered as no dispute award.

30. With regard to item no.1 of the schedule to the order of reference made to this Tribunal, Mr. Mukherjee, appearing on behalf of the management contended that according to the Wage Board Recommendations there are two terminologies used in respect of fitters namely fitters and mechanical fitters. According to Shri Mukherjee, Mechanical Fitters can be placed both in category V and in category VI according to the Wage Board Recommendations. Other fitters are to be placed in category V. In this connection Shri Mukherjee contended that the placing of a fitter in category V or in category VI according to the Wage Board Recommendations has to be assessed from his capability of work and job performance and his efficiency and the best judge to assess in which category a fitter may be placed, according to the Wage Board Recommendations, is the person under whom the fitter works which, in the present, case was Mr. Ramamurthy, M.W.I who has stated that Shri Viswakarma did not work independently in repairing the various kinds of machines but worked under his control and directions which shows that he was not a highly skilled fitter which is the qualification required for a fitter to be placed in category VI according to the Wage Board Recommendations.

31. Shri Mukherjee in support of his contention that Shri Viswakarma deserved to be placed in category V "fitters" and not in category VI "fitters" placed reliance on Exts. M15 dated 3-10-70, Ext. M16 dated 23-10-70, Ext. M19 dated 8-2-71, Ext. M28 dated 25-1-71, Ext. M29 dated 1-2-71, Ext. M24 dated 1-12-70 and Ext. M25 dated 21-12-70.

32. Of the above exhibits, Ext. M15 and Ext. M16 speak about repairs at the Central Stores, Jamadoba. In Ext. M15 it has been mentioned that the engine was running hot and engine oil pressure meter was not working and so on. Ext. M16 also points out certain repairs in payloaders at the Central Stores, Jamadoba. Ext. M19 is addressed by the management to the concerned workman and the heading at the top of the letter is "break-down in Sijua payloader" and states that no care had been taken to check up bolts and nuts etc. On 23-1-73 when Shri Viswakarma had done servicing of the payloader. It has also been stated that there was a crack in the cradle and one of the bolts of the cradle was in a broken condition which was not noticed by Shri Viswakarma and it is further stated that the management had taken a very serious view of this negligence on the part of Shri Viswakarma and "warned him to be more vigilant in future". Ext. M28, Ext. M29 also points out certain repairs which were not properly done by Shri Viswakarma and mentions that he had been negligent.

33. Relying on these exhibits and on the statement of Shri Ramamurthy, M.W.I, Shri Mukherjee contended that Shri Viswakarma was not a highly skilled fitter and did not deserve to be placed in category VI as recommended by the Wage Board Recommendations and was properly fitted in category V.

34. I have given careful thought to the contention of Shri Mukherjee but I do not find any force in it.

35. It has already been pointed out above that Shri Viswakarma was employed by the management on 28-10-64. He

was given the starting salary of Rs. 80/- per month in the scale of Rs. 49-3-64-80-EB-5-120. The contents of paragraph 4 of the workmen's written statement which have been admitted by the management in its rejoinder have already been quoted by me above. From those facts it is clear that at the time of his appointment on 28-10-64, when Shri Viswakarma was given the starting salary of Rs. 80/- per month he was placed between category VII and category IX as mentioned in paragraph 4 of the workmen's written statement. He was nearer to category IX than to Category VII because the starting salary of fitters in category IX was only Rs. 71.50. This fact shows that, although the scale in which Shri Viswakarma was appointed, started from Rs. 49/- he was given the starting salary of Rs. 80/- per month which shows that he was given higher salary because of the special skill that he possessed. No employer, in my opinion, would give higher salary to a workman than what he deserved by his skill and efficiency. The fact that Shri Viswakarma was given starting salary of Rs. 80/- per month is admitted on behalf of the management and is also clear from Ext.W3 which is the letter of appointment addressed to Shri Viswakarma and is dated 23/ 24-10-64 in which it is stated that the starting salary would be Rs. 80/- per month. This shows that at the time of his appointment the management accepted Shri Viswakarma to be a highly skilled fitter because he was placed near the top of category IX and was given starting salary of Rs. 80 and hence after about eight years of service it is not now open to the management to say that the concerned workman was not a skilled workman. In my opinion the skill and efficiency that Shri Viswakarma possessed had already been determined in 1964 at the time of his appointment and it was for this reason that special consideration was shown to Shri Viswakarma while giving him Rs. 80 per month starting salary.

36. The skill and efficiency of the concerned workman are also clear from a perusal of Exts.W33 to W38 in which Shri Viswakarma gave valuable suggestions to the management regarding the payloaders and those suggestions were accepted by the management. Shri Viswakarma was given many rewards also as is clear from the perusal of Exts. W4, W12 to W16.

37. Ext.W32 is also relevant in this connection. This exhibit is addressed to the "C.M.E., Jamadoba" by Shri Viswakarma and in this letter Shri Viswakarma has given a comprehensive statement to the management which shows that he worked as an independent mechanical fitter. He was of, course, working under the supervision of Shri Ramamurthy, MW1 as all fitters always work under the supervision of their immediate Boss but that is the structure prevalent in the collieries and it does not show that Shri Viswakarma had not been working independently as a Mechanical Fitter.

38. As regards the warning given to Shri Viswakarma vide Ext.M19, on which reliance was placed by Shri Mukherjee appearing on behalf of the management, it may be stated that in the reply to Ext.M19 Shri Viswakarma submitted a reply which is Ext.W40 which was addressed to the Colliery Engineer, Sijua Colliery in which Shri Viswakarma gave a complete explanation regarding the breakdown in Sijua Payloader and after receipt of Ext.W40 the management seems to have kept quite and did not take any action against Shri Viswakarma. Ext.W2 also shows that while working at Jamadoba as Mechanical Fitter Shri Viswakarma used to go to Sijua to repair payloaders as has been admitted by Shri Ramamurthy, M.W.1. All these exhibits and the above discussion shows that Shri Viswakarma was already a skilled workman when he was appointed on 28-10-64 and that is the reason why he was given higher start of salary at Rs. 80/- per month.

39. From the above discussion I conclude that Shri Viswakarma, on the implementation of the Wage Board Recommendations on 15-8-67 should have been given the benefit of being placed in category VI "Fitters" with effect from that date.

40. My conclusion therefore, is that the action of the management of Sijua Colliery of M/s. Tata Iron and Steel Co. Ltd., Jamadoba, P.O. Jealgora, (Dhanbad) in not placing Shri J. R. Viswakarma, Mechanical Fitter in Grade-I category VI as per the Recommendations of the Central Coal Wage Board was not justified.

41. Now I proceed to determine to what relief is the concerned workman entitled and from which date.

42. In this connection Shri Mukherjee appearing on behalf of the management contended that the relief can never be granted to a workman at a point of time earlier than the demand and in the present case, according to Mr. Mukherjee, the demand made by Shri Viswakarma for being placed in higher category i.e. category VI on 11-4-69. Shri Mukherjee, in this connection, placed reliance on Ext.M1 and M2.

43. Shri Mukherjee also placed reliance, in support of his contention, on decision of the Supreme Court reported in Howrah Municipality V. Secon Industrial Tribunal, West Bengal, 1965(I) L.L.J. p. 382 at page 385 in which the Supreme Court observed as follows:—"Under S. 17A(4) of the Industrial Disputes Act it is no doubt within the competence of the industrial tribunal to name the date from which an award should come into operation and that date may be one prior to the date of reference itself, vide Wenger and Company v. workmen (1963-II. L.L.J. 403). But nevertheless, it is a well-accepted principle of industrial adjudication that over-stale claims should not generally be encouraged or allowed, unless there was satisfactory explanation for the delay.

44. In the case of Inder Singh and Sons v. their workmen (1961-II L.L.J. 89) the Supreme Court observed:—

"Apart from the obvious risk to industrial peace from entertainment of claims after a long lapse of time, it is necessary also to take into account the unsettling effect that is likely to have on the employers' financial arrangements. Whether a claim has become too stale or not will depend upon the circumstances of each case. In Jharkhand Collieries (Private) Ltd. v. Central Government Industrial Tribunal (1960-II L.L.J. 71) where a claim for extra wages under Cl. (2) of this very Korea award came up for consideration, this Court held that it would not be fair or just to allow the workmen the benefit of an increase directed by the award even prior to the date of demand. A similar view was taken in this Court's judgment in United Collieries Ltd., v. its workmen (1961-II L.L.J. 75). While these cases do not lay down an absolute proposition, as suggested on behalf of the respondent, that relief can in no case be granted for a period prior to the demand, they strongly support the proposition that in deciding on the date from which the relief should be given the industrial tribunal ought to pay particular attention to the date when the demand was first made".

45. It may be noted that the proposition of law laid down in the Supreme Court in the above decisions is not an absolute proposition.

46. We, however, find from the record that the concerned workman first made the demand for being placed in proper category according to the Wage Board Recommendations i.e. with effect from 15-8-1967 vide Ext. W25 dated 25-10-1967. The last paragraph of Ext. W25 which is addressed to the Chief Mining Engineer, Tata Iron & Steel Co. Ltd., Jamadoba by the concerned workman reads as follows:—

"Under the circumstances stated above, I have to approach you to kindly consider my case initially to refix my fitter's pay correctly and secondly to bring me over to pay scale of the payloader Mechanic by regular appointment and thus encouraging me in my present work".

47. Ext. W31 is dated 11-4-1970 and is addressed to the Chief Mining Engineer, Jamadoba by the concerned workman. In this letter Shri Viswakarma prayed that he may be granted the grade of motor mechanic grade-I of category VI of the Wage Board Recommendations. These exhibits shows that the demand by Shri Viswakarma was raised as soon as the Wage Board Recommendations were implemented on 15-8-1967.

48. In this connection reference may be made to the decision of the Supreme Court in Inder Singh and Sons Ltd., and their workmen reported in (1950—67) I S.C.L.J. page 104 at page 107. The relevant quotation from this decision has already been quoted above. In Inder Singh's case the Supreme Court itself observed with regard to its earlier decisions that those decisions did not lay down an absolute proposition of law.

49. From the above I conclude that Shri Viswakarma was entitled to be placed as a fitter in category VI as

per Wage Board Recommendations with effect from 15-8-1967 and was entitled to the salary of Rs. 283.40 per month together with back wages in respect of that category and all to other benefits to which he was entitled to.

50. I, therefore, make the following award: In respect of item no. 1 of the schedule to the order of reference my award is that the action of the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P.O. Jealgoral (Dhanbad), in not placing Shri J. R. Viswakarma, Mechanical Fitter in Grade-I, category VI as per the Recommendations of the Central Coal Wage Board was not justified. Shri Viswakarma was entitled to be placed as a Mechanical Fitter in Grade-I category VI as per Wage Board Recommendations with effect from 15-8-1967 and was entitled to the salary of Rs. 287.40 per month from that date. Shri Viswakarma is also entitled to get the back wages at that rate and the benefits and all other emoluments to which he was entitled to as a Mechanical Fitter in Grade-I category VI as per Wage Board Recommendations.

51. Item no. 2 of the Schedule in the order of reference is answered as a no dispute award.

52. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947

D. D. SETH, Presiding Officer.

नई दिल्ली, 28 फरवरी, 1973

का. आ. 728. [सं. सं. अ. धारा 15 ए टी एस/68].—मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पठित, धारा 15 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय की अधिसूचना का. आ. सं. 1070, तारीख 12 मार्च, 1968 के अधिष्ठांत करते हुए, केन्द्रीय सरकार, आन्ध्र प्रदेश, असम, बिहार, गुजरात, हरियाणा, हिमाचल प्रदेश, जम्मू और कश्मीर, केरल, मध्य प्रदेश, उड़ीसा, पंजाब, राजस्थान, महाराष्ट्र, मणिपुर, मेघालय, मैसूर नागालैंड, तमिलनाडु, त्रिपुरा, उत्तर प्रदेश और पश्चिमी बंगाल राज्यों और, अण्डमान और निकोबार द्वीपसमूह, अरुणाचल प्रदेश, चण्डीगढ़, वादरा और नागर हवेली, दिल्ली, गोवा, दमण और दीव, मिजोराम, पाण्डिचेरी और लक्काद्वीप, मिनिक्कोय और अमिनदीव द्वीपसमूह संघ राज्यक्षेत्रों की सरकारों द्वारा उक्त धारा 15 की उपधारा (1) के अधीन उक्त राज्यों या संघ राज्यक्षेत्रों में किसी विनिर्दिष्ट क्षेत्र की बाबत, नियुक्त प्रत्येक अधिकारी को ऐसे क्षेत्र में वायु परिवहन सेवाओं में नियोजित या संदत्त, व्यक्तियों की मजदूरी में से कटौतियों, या मजदूरी के संदाय में विलम्ब से उद्भूत सभी दावों को, जिसमें ऐसे दावों से आनुपंगिक सभी मामलों भी सम्मिलित हैं सुनने और विनिश्चय करने के लिए प्राधिकारी के रूप में स्वेच्छासे नियुक्त कर्ता हूँ।

[सं. एस. 31025/11/71-एल. आर. 3]

करनैल सिंह, अवर सचिव

New Delhi, the 28th February, 1973

S.O. 728.—[PWA/Sec. 15ATS/68].—In exercise of the powers conferred by sub-section (1) of section 15, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936) and in supersession of notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 1070, dated the 12th March, 1968, the Central Government hereby appoints every officer appointed by the Governments of the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalay, Mysore, Nagaland, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal and the Union Territories of Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Mizoram, Pondicherry and Laccadive, Minicoy and Amindive Islands, under the said sub-section

(1) of section 15, in respect of any specified area within the said States or Union Territories, to be the authority to hear and decide all claims arising out of deductions from the wages, or delay in payment of the wages of persons employed or paid within such area, including all matters incidental to such claims, in air transport services.

[No. S. 31025/11/71-LRIII]

New Delhi, the 2nd March, 1973

S.O. 729.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar, District Shahdol (Madhya Pradesh), and their workmen was received by the Central Government on the 24th February, 1973.

[No. L/22012/29/72-I.R.II.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, JABALPUR

Jabalpur, the 7th February, 1973

Present:

Mr. Justice S. N. Katju—Presiding Officer.

Case Ref. No. CGIT/LC(R)(31)/72

(Notification No. L/22012/29/72-LR.II dated 17-8-1972)

Parties:

Employers in relation to the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar, District Shahdol (Madhya Pradesh) and their workmen represented through the Vindhya Collieries Mazdoor Sabha, P.O. Ramnagar, Distt. Shahdol (M.P.).

Appearances:

For employer—Sri P. S. Nair, Advocate.

For workmen—None.

Industry: Coal Mine.

District: Shahdol (M.P.)

AWARD

This is a reference under Sec. 10 (1)(d) of the Industrial Disputes Act, 1947.

The question referred to this Tribunal is:—

“Whether the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar, District Shahdol (Madhya Pradesh) (hereinafter called the Colliery) is justified in placing Shri Prayag Yaddav, Fan Khalasi in Category I, under Appendix V, of the Report of the Central Wage Board for Coal Mining Industry? If not, to what relief is the workman entitled and from which date?”

It was contended on behalf of the workman that he was a Fan Khalasi since December 1970. It was further contended that in each eight hours shifts of the Colliery, there are three Fan Khalasis and Prayag Yadav, the workman concerned, was one of them and he was working in one of the shifts. The other two workmen who worked in the remaining two other shifts had been put in higher category viz. Category II while the workman was put in Category I and lower wages as compared to the other two shift Khalasis were paid to him. It was further contended that the Fan Khalasis came in Categories II and III and as per Wage

Board Award for Coal Mining Industry the workman was entitled at least to the wage of Category II.

The Colliery has contended that the reference was made at the request of the Vindhya Colliery Mazdoor Sabha which was registered sometime in December 1971 and was not in existence in the Colliery prior to that date. It is further alleged that Prayag Yaddav was never a member of the aforesaid Union and further that the Vindhya Colliery Mazdoor Sabha was not legally entitled to raise any dispute on behalf of the workman, Prayag Yaddav. It was further contended that Prayag Yaddav was working as a General Mazdoor. Due to his ill health he had represented to the management that he was unable to carry on the work of a General Mazdoor and had requested for a light job. Since no other light job was available he was appointed as a partial Fan Khalasi and he was not doing full work of a Khalasi and as such he was not entitled to any higher category.

The case was put up for final hearing 20-12-1972 by my order dated 22-11-1972. On 20-12-1972 it was stated that Sri P. K. Thakur, the workman's representative, was ill and was unable to attend the Court. The workman was also not present on that date. The management's witnesses had come but on account of Mr. Thakur's illness the case was not taken up on that date. I directed that it be put up for final hearing on 5-2-1973. Mr. Thakur was not present on 5-2-1973. The case came up for hearing before me on 6-2-1973. I adjourned the hearing of the case till today. Sri L. N. Malhotra stated on behalf of Sri P. K. Thakur that the later was away from the station and he himself was not in a position to appear on behalf of the workman. The management's witnesses are again present today. I am not prepared to allow any further adjournment. Sri P. S. Nair has supported the management's case. Besides the statement of demand made on behalf of the workman and the reply on his behalf there is no other evidence in support of the workman's contention that he is entitled to be placed in Category II. As mentioned above, it was stated on behalf of the Colliery that Prayag Yaddav was given a light job. In view of the representation made by him that he was ill, he was appointed only as a partial Fan Khalasi and was not doing the full work of a Khalasi. Besides the aforesaid statement made on behalf of the workman there is no evidence to support the workman's contention that he was working as a full time Khalasi and was not a General Mazdoor who was in the circumstances mentioned above given the work of a partial Fan Khalasi. Under these circumstances, it cannot be said that the Colliery was not justified in placing the workman in Category I.

Sri P. S. Nair has stated that the management of the Colliery is prepared to place the workman, Prayag Yaddav, in Category II from the date of the award provided he works as a full time Fan Khalasi. My award, therefore, is that the management of the Colliery was justified in placing Prayag Yaddav in Category I, but he will be placed in Category II from 1-2-1973 provided he works as a full time Fan Khalasi. I make no order for costs.

S. N. KATJU, Presiding Officer.

New Delhi, 2nd March, 1973

**S.O. 730.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the management of Balihari Colliery, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 27th February, 1973.

[No. 1-2012/84/72-LRII.]

KARNAIL SINGH, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (No. 2), DHANBAD.

**Present :**

Shri Nandagiri Venkata Rao.—Presiding Officer.

### Reference No. 12 of 1972

In the matter of an industrial disputes under S.10(1)(d) of the Industrial Disputes Act, 1947.

### Parties :

Employers in relation to the management of Balihari Colliery, P. O. Kusunda, District Dhanbad.

AND

Their workmen.

### Appearances :

On behalf of the employers in relation to the management of Balihari Colliery.—Shri A. K. Rao, Personnel Officer.

On behalf of Bharat Coking Limited.—Shri N. J. N. P. Sahi, Labour and Law Adviser.

On behalf of the workmen.—Shri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh.

State : Bihar.

Industry : Coal.

Dhanbad, 23rd February, 1973.

### AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Balihari Colliery, Post Office Kusunda, District Dhanbad and their workmen, by its order No. L/2012/84/72-LRII dated the 25th November, 1972 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

### SCHEDULE

"Whether the action of the management of Balihari Colliery, Post Office Kusunda, District Dhanbad, in not allowing Shri Kalicharan Mahato, Haulage Khalasi to resume his duties with effect from the 28th March, 1972, is justified? If not, to what relief is the concerned workman entitled?"

2. On 22-2-1973 parties have filed a compromise memo and it is duly verified. I find the terms of compromise favourable to the workman in general and the affected workman in particular. Hence, the compromise is accepted and the award is made in terms of the compromise and submitted under Section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and is made part of the award.

N. VENKATA RAO, Presiding Officer,

BEFORE THE HON'BLE PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
(No. II) AT DHANBAD.

In the matter of :—

### Reference No. 12 of 1972

### Parties :

Employers in relation to Balihari Colliery.

AND

Their Workmen.

### MEMORANDUM OF SETTLEMENT.

All the parties in the present proceedings have amicably settled the dispute involved in the present Reference on the terms hereinafter stated :—

(1) That Shri Kalicharan Mahato (Haulage Khalasi) the workman concerned in the present Reference shall be reinstated by the management of the Balihari Colliery on and from the 1st March, 1973 without any back wages.

(2) That the period intervening from the date of not allowing Shri Kalicharan Mahato to resume his duties (which gave rise to the present Reference) till the date of

resumption of duty shall, for the purposes of continuity of service, be treated as leave without pay, but the workman concerned shall be eligible to proportionate leave provided he puts in proportionate qualifying attendance during the remaining period of the current year.

(3) In the event of the failure of the concerned workman to report for work within a fortnight from the 1st March, 1973, the workman concerned shall have no right for re-employment etc. under this agreement.

(4) The aforesaid management will pay a sum of Rs. 200 (Rupees two hundred only) to the General Secretary, Hindustan Khan Mazdoor Sangh, as cost of the proceedings.

(5) The above terms finally resolve the dispute between the parties and, therefore, there is no subsisting dispute for adjudication in the present Reference.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this Settlement and to give the Award in terms thereof.

For the Employers :—For the workmen :

Manager Balihari Colliery.	General Secretary Hindustan Khan Mazdoor Sangh.
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For Bharat Coking Coal Ltd.

Labour & Law Adviser.—Bharat Coking Coal

Dated the 22nd February, 1973.

New Delhi, the 2nd March, 1973

**S.O. 731.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol (Madhya Pradesh), and their workmen, which was received by the Central Government on the 26th February, 1973.

[No. L/22012/28/72-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR.

Dated February 21st, 1973

#### Parties :

Mr. Justice S. N. Katju.—Presiding Officer.

Case Ref. No. CGIT/LC(R)(32)/1972

(Notification No. L/22012/28/72-LRII dated 17-8-1972).

#### Parties :

Employers in relation to the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol (Madhya Pradesh) and their workman Moliaram, son of Shri Bhikharam, Trammer.

#### Appearances :

For employers—Sri P. S. Nair, Advocate.

For workman—None.

Industry : Coal Mine

District : Shahdol (M.P.)

#### AWARD

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act (hereinafter called the Act).

The question referred to is :—

"Whether the management of Vindhya Collieries Private Limited, Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol, was justified in stopping from work Shri Moliaram, son of Shri Bhikharam, Trammer, with effect from the 1st June, 1971? If not, to what relief is the workman entitled?"

The case on behalf of Moliaram was sponsored by the Vindhya Colliery Mazdoor Sabha. It was alleged that Moliaram had been appointed five years back as a Minor and was subsequently working as a Trammer in the Collieries. It was said that Moliaram was stopped from working on 1st June, 1971 without any reason having been assigned to him in writing. It was further alleged that Moliaram was an active member of the Vindhya Colliery Mazdoor Sabha and since the management wanted to suppress the Union it did not retain the services of Moliaram and his dismissal was "improper, unjustified and illegal" and he was entitled to be reinstated with back wages. The employers have contended that the Vindhya Colliery Mazdoor Sabha was not in existence prior to December, 1971 and Moliaram was not a member of the aforesaid Union and the Sabha was not entitled to raise the dispute on behalf of Moliaram. The employers have further contended that Moliaram had worked in the Colliery till 4-10-1967 and thereafter he absented himself and never returned back to work. It was denied that Moliaram had been stopped from work with effect from 1st of June, 1971. A. N. Chatterji, the Bill Clerk of the Colliery, has stated that Moliaram worked in the colliery till 4-10-1967 and after that he never returned back to work and his services were not terminated on 1-6-1971.

No one has appeared on behalf of the workman and there is nothing to substantiate the allegation made on behalf of the workman that his services had been terminated on 1-6-1971. I am not prepared to disbelieve the contention of the employer that there was no question of Moliaram having been stopped from working on 1-6-1971 as was alleged by him because he had voluntarily absented himself from work ever since 4-10-1967.

Under these circumstances, my answer to the reference is that the services of Moliaram were not terminated and therefore there is no question about the justification for the management "in stopping from work Sri Moliaram, Son of Shri Bhikharam, Trammer, with effect from 1st June, 1971." The workman is not entitled to any relief. I answer the reference accordingly.

S. N. KATJU, Presiding Officer.

New Delhi, the 2nd March, 1973

**S.O. 732.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Amalgamated Coalfields Limited, Post Office Parasia, District Chhindwara, (Madhya Pradesh), and their workmen, which was received by the Central Government, on the 24th February, 1973.

[No. L-18011/7/71-LRII.]  
KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, JABALPUR

Dated February 6, 1973

#### Present :

Mr. Justice S. N. KATJU—Presiding Officer.

Case Ref. No. CGIT/LC(R)(33)/1971

(Notification No. L/18011/7/71-LRII dated 18-11-1971).



**Parties:**

Employers in relation to the management of Amalgamated Coalfields Limited Post Office Parasia, District Chhindwara (M.P.) and their workmen (K.C. Dhale, Motor Mechanic).

**Appearances:**

For employers.—S/Sri P. S. Nair, Advocate and S. D. Singh, Senior Personnel Officer.

For workmen.—None.

**Industry:** Coal Mine      **District:** Shhindwara (M.P.)

**AWARD**

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act (hereinafter called the Act.).

The question referred to is:—

“Whether the action of the management of Amalgamated Coalfields Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) in dismissing Shri K. C. Dhale, Motor Mechanic with effect from the 6th February, 1967 is justified? If not, to what relief is the workman entitled?”

According to the workman, he was a Motor Mechanic in the Chandametta Workshop of the Amalgamated Coalfields Ltd. Parasia (hereinafter called the Coalfields) since 1947. He had discharged his duties faithfully and efficiently and he was wrongfully dismissed, following an enquiry held against him, for the alleged misconduct, on 6-2-1967. He contended that the enquiry against him was conducted in a perfunctory manner. According to him, he was innocent and his dismissal was wrongful. It was contended on behalf of the Coalfields that the workman was guilty of major misconduct for which he was charge-sheeted and a proper enquiry was conducted with regard to the charges which had been levelled against him. He had fully participated in the enquiry and had been given full opportunity to cross-examine all the management's witnesses which he did. The Enquiry Officer found the charges proved against him, and thereafter he was dismissed from service per letter No. CF/22 dated 6-2-1967.

It was alleged on behalf of the Coalfields that the workman along with Kamal Singh and S. K. Das had entered into a conspiracy for illegally carrying articles belonging to the Workshop of the Coalfields in a truck driven by the workman and taking them to the house of Kamal Singh at Piparia. The workman admitted that he had taken the articles on the truck driven by him but had contended that he was carrying out “the instructions of my boss conveyed to me by Kamal Singh and S. K. Das and am not involved in any kind of theft.” A charge-sheet dated 29-12-1966 was given to K. C. Dhale by the management of the Coalfields (Ex. E/1). Dhale gave his reply with regard to the charges levelled against him (Ex. E/2). The management issued a letter dated 4-1-1967 to Dhale informing him that it had been decided to hold an enquiry against him on 6-1-1967. He was informed that:—

“At the enquiry you shall be given full opportunity to conduct your defence by examining your witnesses and cross-examining the Company's witnesses”.

Sri T. V. Ramamurthy (E. W. 1) conducted the enquiry against K. C. Dhale on 14-1-1967 which concluded on 16-1-1967. Earlier on 6-1-1967 Dhale had sent a letter (Ex. W/1) to the Chief Mining Engineer in which he started that:—

“the following witnesses will be examined by me in the departmental enquiry:

Mr. A. Longdon, Chief Mechanical Engineer.  
Sukhlal Mazdoor.  
Nawab Mazdoor.  
Shri Kamal Singh.  
Shri Das.

I shall be thankful if you will arrange to keep the witnesses available at the time of enquiry.” By his letter dated 6-1-1967 (Ex. E/4) the Chief Mining Engineer said that Shri T. V. Ramamurthy had been appointed as the Enquiry Officer and now:—

“it is within his jurisdiction only to consider your request with regard to calling persons as your witnesses.

He further said:—

“It is generally accepted that the person who has to defend himself at the time of enquiry proceedings should bring his own witnesses and if any of our employees agrees to appear on your behalf as witness we are prepared to grant him leave on this account provided you bring his written consent to us.”

According to Sri T. V. Ramamurthy, the workman did not give him any application for summoning any witnesses. He, however, admitted that the aforesaid letter (Ex. W/-) addressed by K.C. Dhale to the Chief Mining Engineer had been forwarded to him. He admitted that he did not ask the workman with particular reference to the said letter whether “he will produce the witnesses that are mentioned in the said letter”. It is, however, clear that Dhale himself made no request to the Enquiry Officer with regard to summoning of the persons whom he wanted to be examined as his witnesses. Dhale cross-examined the management's witnesses himself. Sri T. V. Ramamurthy has further deposed that the workman was not refused permission to bring his representative and he had taken special care to ensure that only one witness was examined at a time, and that the enquiry was not made in a perfunctory manner. The management examined 15 witnesses who were cross-examined by Dhale. The workman examined himself and closed his case. He did not make any objection during the course of the enquiry. The Enquiry Officer, Sri Ramamurthy, submitted his report (Ex. E/6) on 25-1-1967. He found that:—

“From the evidence available before me it is observed by me that Shri Dhale had gone out of the way and helped Kamal Singh in the matter of transportation of workshop made items to Pipariya illegally. Thus I hold guilty of the charges levelled against him and recommend a severe punishment against him.”

The workman was dismissed as mentioned above. He did not prefer any appeal or made any further representation to the Coalfields with regard to his dismissal. He, however, made a reference to the Regional Labour Commissioner against the termination of his service. The date fixed for hearing of the aforesaid reference was 4-12-1967. He had been informed that in case he did not appear before the Regional Labour Commissioner his case will be closed. He failed to appear before the Regional Labour Commissioner on 4-12-1967 and the dispute was closed by the Labour Commissioner. The present reference before me was made on 18-11-1971. It is indeed surprising that the Government of India should have thought it fit to make such a belated reference. The learned representative of the Coalfields has challenged the legality of the reference. There does not appear to be any material on the record to show as to how a dispute after a considerable lapse of time had arisen between the Coalfields and their workmen with regard to the dismissal of K. C. Dhale. But since the Central Government has thought it fit to make the present reference before me I need not examine its legality or otherwise.

The workman did not appear before this Tribunal on 19-12-1972 when the evidence of Sri T. V. Ramamurthy was recorded. No one has appeared on his behalf before me today. I am proceeding on the basis of the material on the record in the absence of the workman or his representative. I have gone through the proceedings before the Enquiry Officer and am satisfied that the enquiry conducted by Sri T. V. Ramamurthy was fair and just. The workman was given full opportunity to cross-examine the witnesses which were produced by the management. The mere fact that he had sent a letter earlier to the Chief Mining Engineer with regard to producing certain witnesses in his defence would not mean that the Coalfields had prevented him from producing the said witnesses. There is nothing on



the record to indicate that he had made any attempt to summon the aforesaid persons and the Enquiry Officer had refused to do so. The charges which had been levelled against him were to the effect that he along with Kamal Singh and S. K. Das had stolen the Coalfields' goods which were carried on a truck which was driven by the workman. He admitted that he had driven the truck on which the said articles were illegally taken away from the Coalfields workshop. His only defence was that he was acting under the instructions from his superior officer. The evidence produced by the management before the Enquiry Officer established the guilt of the workman. It cannot be said that the punishment by way of dismissal inflicted on the workman was either excessive or unreasonable.

My award is that the action of the management of the Coalfields in dismissing K. C. Dhale, Motor Mechanic, with effect from 6th February, 1967 was justified; and he is not entitled to any relief. I make no order as to costs.

S. N. KATIJU, Presiding Officer.

New Delhi, 2nd March, 1973

**S.O. 733.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 1), Dhanbad in the industrial dispute between the employers in relation to the management of Dehri Rohtas Light Railway Co. Ltd. Dalmianagar and their workmen, which was received by the Central Government on the 27th February, 1973.

[No. L. 41011/30/71/LRIII]

KARNAIL SINGH, Under Secy.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

**Reference No. 16 of 1972**

**Parties:**

Employers in relation to the management of Messrs Dehri Rohtas Light Railway Company Ltd., Dalmianagar  
AND  
Their Workmen.

**Present:**

Shri D. D. Seth—Presiding Officer.

**Appearances:**

For the Employers—Shri P. K. Bose, Advocate.  
For the Workmen—Shri B. Lal, Advocate.

Dhanbad, the 19th February, 1973

**AWARD**

This is a reference under section 10(1)(d) of the Industrial Disputes Act and arises out of an order passed by the Central Government, Ministry of Labour and Rehabilitation No. L. 41011/30/71/LRIII dated New Delhi, the 22nd April, 1972 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and runs as follows :—

"Whether the management of Messrs Dehri Rohtas Light Railway Company Limited, Dalmianagar is justified in refusing to designate Shri B. P. Gupta as time-keeper and fix the prescribed pay scale of time-keeper? If not, to what relief is the workmen entitled and from which date?"

2. The reference was received in the office of the Tribunal on 27-4-1972 and was registered as reference No. 16 of 1972. Notices were issued to the parties.

55 G of L/72—6.

3. On 17-8-72 written statement on behalf of the workmen was received and was placed on the record.

4. On 25-10-72 a written statement-cum-rejoinder, on behalf of the Dehri Rohtas Light Railway Company Ltd., Dalmianagar, herein-after referred to as the management was filed.

5. The case of the workmen, as contained in their written statement, is that the concerned workman, Shri B. P. Gupta was originally appointed as an Accounts Clerk on 3-12-46 and was confirmed as such on 31-12-51 and was made incharge of the special batch for checking tickets of the travelling passengers by trains of the management. Shri Gupta was allowed a sum of Rs. 45/- per month. In March, 1962 he was transferred to work in the office as a clerk and finally in July, 1962 he was asked to work as a time-keeper. The grade of the time-keeper is Rs. 130-300/- per month as per the revised rate fixed in the settlements dated 6-9-60 and 14-6-62 between the management and the workmen. According to the workmen the grade of the time-keeper is that of an Upper Division Clerk whereas Shri B. P. Gupta was given the grade of Lower Division Clerk. Clerks junior to Shri B. P. Gupta had been given the grade of Upper Division Clerk whereas the concerned workman is still being paid the salary of a Lower Division Clerk. According to the workmen the action of the management in refusing to designate Shri B. P. Gupta as time-keeper and refusing to fix the prescribed pay scale as time-keeper is not justified and Shri B. P. Gupta is entitled to be designated as a time-keeper and is entitled to be paid in the grade of Rs. 130-300 per month since July, 1962 and he is also entitled to back wages and other benefits of the time-keeper since July, 1962.

6. The case of the management, as contained in its written statement-cum-rejoinder, is that it is true that Shri B. P. Gupta was appointed as an Accounts Clerk with effect from 3-12-46 but his services were confirmed, as Accounts Clerk with effect from 13-6-1947. By an order dated 31-12-51 Shri B. P. Gupta was included in the Special Checking Batch to work under the supervision and guidance of Audit & Accounts in-charge, in addition to his work in office during spare time and continued to be designated as Accounts Clerk. There were certain complaints against him and, after enquiry, he was given a warning by office letter dated 19-11-59 and, subsequently, he was directed to work full time on his original post as clerk in the Accounts Department with effect from 8-3-1961 and the allowance which was being given to him for checking work was withdrawn from the date. On account of certain misconduct on his part, Shri B. P. Gupta was served with a chargesheet dated 1-5-62. He admitted his fault and begged to be excused and, by office order dated 18-7-62 he was warned and his increment falling due on 1st April, 1962 was stopped and he was allowed to join his duty and was placed as a clerk in the Personnel Department. In paragraph 7 of the management's written statement it is stated that the working in the time office was re-organised sometime in 1964 and as a result thereof Shri R. D. Mital, Time-Keeper was transferred from Time-cum-Shed Office to the Administrative Office to check and co-ordinate the work pertaining to maintenance of attendance, payment of wages and submission of statutory returns in respect of all the employees of the concerned railway and Shri B. P. Gupta, Clerk, was sent to the time office to perform routine work only excluding all the items of work mentioned above which continued to be performed by Shri R. D. Mital, Time-Keeper. According to the management Shri B. P. Gupta continues to be on the rolls of Office Clerical Staff and designated as a Clerk. In its rejoinder to the written statement filed on behalf of the workmen, the management states that Shri B. P. Gupta started to work in the time-office sometime in 1964 to perform routine work of maintenance of attendance and drew the same scale of pay as he now drawing. Beside performing the routine work of maintenance of attendance he is not required to perform any of the statutory duties which were and are being performed by Shri R. D. Mital, Time-Keeper and, as such, Shri B. P. Gupta is not entitled to the scale of pay of Rs. 130-300/- per month. He is being paid in the scale of a clerk as per his original appointment. It is denied by the management that some office clerks junior to Shri B. P. Gupta have been placed on higher grade and it is stated that since the concerned workman is not performing the duties of a time-keeper, the question of refusing to designate him as a time-keeper and pay him the scale of time-keeper does not arise.

7. On behalf of the management 14 items of documents have been filed which have been marked exts. M 1 to M 14.

All these documents have been admitted by Shri B. Lal who appears for the workmen.

8. On behalf of the workmen also some documents have been filed and they have been marked Exts. W 1 to W 8 and all these documents have been admitted by Shri P. K. Bose, appearing for the management.

9. The management examined only one witness namely Shri R. D. Mital, M.W. 1 who stated that he is working as Time Keeper at Dalmianagar in the concerned railway and has been working as a time keeper since June, 1962. The witness knows Shri B. P. Gupta, the concerned workman, and stated that he is working as a clerk in the time office. In cross-examination Shri R. D. Mital states that attendance cards and attendance register of employees are maintained in the concerned railway and that the witness is not maintaining any attendance cards or attendance register and it is Shri B. P. Gupta who maintains the attendance card and attendance register. The duty of the time keeper is to mark the attendance of the employees and to maintain the attendance register.

10. On behalf of the workmen only one witness was examined and he is the concerned workman, Shri B. P. Gupta, M.W. 1 who stated that he has been working in the railway since 3-12-1946 when he was appointed as an Accounts Clerk and in 1951 he was made incharge special checking batch. In 1962 he was transferred to work in the office as a commercial clerk without any reason being given and from the year 1962 his services have been utilised as time-keeper in Dalmianagar Workshop. The witness stated that his duty is to maintain the attendance registered of loco maintenance staff, carriage wagons staff, Factories employees and casual workers. The witness further stated that he also passes the store materials and other materials from Dalmianagar Store. Quarterly and half-yearly returns are also made by him and in case an employee does not turn up for work his absence is marked in the attendance register by the witness. According to the witness he is the only man in the time section at Dalmianagar to do the time keeper's job. In cross-examination the witness stated that he was given a written order as regards to his posting as incharge of the special checking batch. The witness did not remember whether he was served with a letter of warning in November 1959 and denied that it was due to that letter of warning that he was withdrawn from the special checking batch and was placed in the office as a clerk. Shri B. P. Gupta, stated that he was orally told by the Personnel Officer to work as a time-keeper in the Time Office and was not given any order in writing appointing him as a time-keeper. The witness was shown Ext. W 2 dated 18-1-68 and stated that he did not know who had erased one word below his name and before the word "Time Office". The witness denied that he erased the word 'clerk' in Ext. W 2 before the word 'Time Office' but admitted that he never lodged any protest in writing with the management for not being designated as time keeper.

11. As the decision of the dispute referred to this Tribunal will hinge mostly on documentary evidence adduced by the parties it is necessary to explain the various documents filed by the parties.

12. Ext. M 1 is dated 2/4-11-46 and is addressed to the concerned workman and is the letter of appointment at Rs. 30/- per month with effect from 3-12-46 subject to confirmation after 6 months. Ext. M 2, dated 18-6-47, is an office order passed by the concerned railway confirming Shri B. P. Gupta in his service with effect from 13-6-47. In Ext. M 2 the concerned workman is designated as Accounts Clerk. By Ext. M 3, dated 31-12-51, Shri B. P. Gupta was allotted duty in the special checking batch and was directed to work in the office in spare time. Ext. M 4 is dated 7/8-3-61. By this exhibit Shri B. P. Gupta was again asked to work in the office in his original post as a clerk with immediate effect and it is mentioned in Ext. M 4 "that the allowance of Rs. 45/- which was given to Shri Gupta" is hereby withdrawn with immediate effect. Ext. M 5 is dated 17-7-62 and in this exhibit Shri B. P. Gupta is designated as an Accounts Clerk. By this document Shri B. P. Gupta was posted as a clerk under the Personnel Officer and was directed to work under his instruction. Ext. M 6 is the joining report signed by the concerned workman and is dated 20-7-62 which shows that Shri B. P. Gupta joined as a clerk under the Personnel Officer.

13. The departments in the management in the concerned railway were reorganised and the fact of the re-organisation

was circulated by office order dated 12-6-64 which is Ext. M 7. By Ext. M 7 the Time Office was placed under the Personnel Officer of the concerned railway. Ext. M 8 is an office order dated "6/2" by which the checking allowance of Rs. 45 to Shri B. P. Gupta was regularised. Ext. M 9 is an agreement between the management of the concerned railway and the employees union which was arrived at on 14-6-62. It may be stated that Ext. M 9 is not very relevant for our purposes. Ext. M 10 shows that in 1962 there was a revision of pay of the employees of the concerned railway and the salaries of six employees were revised. Shri B. P. Gupta is mentioned at item No. 6 and his grade is shown as Rs. 110-180 after pay revision. Ext. M 11 is dated 19-11-59 and is addressed to Shri B. P. Gupta who is designated as "Audit Clerk". In this document it was stated that Shri B. P. Gupta was in the habit of "mixing with the S.Ms. and A.S.Ms. very intimately". Shri B. P. Gupta was directed by this document, to strictly follow the rules of the Railway properly. Ext. M 12 is the charge-sheet served on Shri B. P. Gupta and this document also contains the explanation of the concerned workman which is dated 25-6-62 which shows that he was directed to do some work but on account of sickness he could not attend his office and could not complete the work. Ext. M 13 is dated 18-7-62 and is the reply of the management given to the concerned workman in regard to his explanation contained in Ext. M 12. In Ext. M 13 Shri B. P. Gupta is again designated as Accounts Clerk and it is mentioned in Ext. M 13 that certain fact showed that Shri B. P. Gupta deceived his Departmental Head and took leave on false pretext and also shows that the increment of Shri B. P. Gupta due on and from 1-4-62 was stopped. This document further shows that his sickness which he alleged in his explanation which is contained in Ext. M 12 was a pretext. Ext. M 14 is the failure report of the Assistant Labour Commissioner (C), Patna.

14. Now I take up the documents filed on behalf of the workmen. Ext. W 1 is dated 20-12-69 and by this document Shri B. P. Gupta was directed by the Personnel Officer of the management to look after the work of both the Workshops belonging to the concerned railway. This document is not of any help to us because it does not show what was Shri B. P. Gupta's designation in December, 1969. Ext. W 2 is the controversial document in which a word has been erased before the word "Time Office" below the name of Shri B. P. Gupta. This document is dated 18-1-68 and was produced by the concerned workman and was filed before the Tribunal on 16-2-73 which was the date of hearing of the reference by the Tribunal. The management's case is that the word which has been erased in Ext. W 2 was the word "clerk" and was erased by the concerned workman Shri P. K. Bose, appearing for the management, also urged that if Ext. W 2 had been filed earlier the management could have produced the office copy of Ext. W 2 but since it was filed on the date of hearing, the management had no opportunity to file the office copy. In any case, it may be noted that Ext. W 2 does not contain any designation of Shri B. P. Gupta, below the name of Shri B. P. Gupta the word "Time Office" appears. It may also be noted that there certainly was some word written before the word "Time Office" in Ext. W 2 which has been heavily erased so that it is not be readable. Ext. W 2 only mentions "Time Office" which is the place of work and does not contain the designation of Shri B. P. Gupta. At this stage it may be mentioned that in cross-examination Shri B. P. Gupta, W.W. 1 stated that he never complained to the management for not mentioning his designation in Ext. W 2 dated 18-1-68. Between 17-7-62 which is the date of Ext. M 5 in which Shri B. P. Gupta is designated as Accounts Clerk and by which he was posted under the Personnel Officer to work under his instruction and Ext. W 2 dated 18-1-68, not a single document has been produced by the workmen to show that during the period between 1962 and 1968, the designation of Shri B. P. Gupta was changed from that of a clerk to that of a Time-Keeper. The fact that Ext. W 2 was produced by the concerned workmen, a suspicion arises that the word before "Time Office" must have been erased while the document was in his possession. Had it been done by the management Shri B. P. Gupta must have lodged a protest that he was given a document in which a word had been heavily erased by the management.

15. Ext. W 3 is dated 7-7-67 and is signed by the Personnel Officer of the concerned railway and is addressed to two workmen including the concerned workman stating that quarterly return for the month ending 30th June, 1967 and half-yearly return ending June, 1967 has not been

received. This document does not contain any designation of Shri B. P. Gupta and does not show that Shri B. P. Gupta was the Time Keeper. Ext. W 4 is dated 21-12-67 which is a notice regarding domestic enquiry and a copy of which was sent to Shri B. P. Gupta where he has been designated as Acting Time-Keeper. Ext. W 5 is dated 20-6-66 and is the document earlier to the date of Ext. W 4 which is dated 21-12-67. In Ext. W 5 Shri B. P. Gupta is described as (T.K.). It may be noted at this stage that in Ext. W 5 Shri B. P. Gupta is designated as "T.K.". Ext. W 4 which is a letter document and is dated 21-12-67, Shri B. P. Gupta is shown only an Acting Time-Keeper which obviously shows that the position of Shri B. P. Gupta was changed from Time-Keeper to Acting Time-Keeper in 1967.

16. Ext. W 6 is dated 7-9-62 and is addressed by the Office Manager of the concerned railway to the Loco & Carriage Superintendent and a copy of the same was sent to Shri B. P. Gupta. This document also shows that Shri B. P. Gupta is designated as Acting Time-Keeper. There is no document filed by the workmen to show that Shri B. P. Gupta, at any time, lodged any protest with the management when his designation was changed from Time-Keeper as appears from Ext. W 4 dated 21-12-67 as Acting Time Keeper. In any case Ext. W 2, is a controversial document which contains erasure of a later date and is dated 18-1-68 and this document does not contain any designation of Shri B. P. Gupta. Similarly Ext. W 1 which is the latest document and is dated 20-12-69 also does not show Shri B. P. Gupta's designation. Ext. W 7 is dated 29-8-72 and is a memo signed by the concerned workman and is addressed to the management. This document, although written by Shri B. P. Gupta does not contain his designation as Time-Keeper. Ext. W 8 is dated 4-9-72 and is signed by the Asstt. Personnel Officer. This document does not show that Shri B. P. Gupta is the Time-Keeper.

17. These are all the documents filed by the parties.

18. By a simple perusal of the documentary evidence produced by the parties it is found that, at no stage, Shri B. P. Gupta was given a letter of promotion as Time-Keeper although according to Shri R. D. Mital, M.W. 1 there is a time-keeper in the concerned railway.

19. I am, therefore, constrained to hold that even though Shri B. P. Gupta might have at some time performed the duty of acting Time-Keeper but his designation was never as Time-Keeper and he was always doing clerical work as is the case of the management.

20. Hence, on merits it must be held that Shri B. P. Gupta was not the Time-Keeper in the concerned railway and was not entitled to the pay scale of the time-keeper.

21. Shri P. K. Bose, appearing on behalf of the management, raised a preliminary objection regarding the competency of the Central Government to make the present reference and also regarding the jurisdiction of this Tribunal to adjudicate upon the dispute referred to it. According to Shri P. K. Bose the dispute between the parties before the Conciliation Authority was quite different to the dispute which has now been referred to this Tribunal by the Central Government and for this contention Shri P. K. Bose placed reliance on the failure report of the Assistant Labour Commissioner (C), Patna. Shri P. K. Bose submitted that before the Conciliation Authority the workmen did not raise any dispute regarding Shri B. P. Gupta being the time-keeper. Shri P. K. Bose contended that an industrial dispute referred to the Tribunal must be confined to the claim by the workmen raised before the Conciliation Authorities and in this connection Shri P. K. Bose placed great emphasis on the following sentence which occurs in the failure report of the Assistant Labour Commissioner (C), Patna., where he has discussed union's views:—"It is, therefore, submitted that Shri Gupta should be put back in the post of incharge special checking batch and fixed in an appropriate grade suiting to his position and he should also be paid all arrears due to him till the date of his promotion".

22. In support of his contention Shri P. K. Bose also placed reliance on a decision of the Supreme Court between Sindhu Resettlement Corporation Ltd., and Industrial Tribunal of Gujarat and others reported in (1968-70) (Vol. 7) S.C.L.J. p. 792 at page 798 which according to Shri P. K. Bose is a direct decision having a bearing on the facts of the

instant case. Shri P. K. Bose, therefore, submitted that the present reference is not maintainable.

23. I do not find any force in this contention. The failure report of the Assistant Labour Commissioner (C), Patna (Ext. M 14) contains the following relevant sentences:—"The grade of time-keeper is 130-300 equivalent to U.D.C., but Shri Gupta continued to get L.D.C. grade in spite of working as time-keeper. His grievances are as below :

- (1) .....
- (2) .....
- (3) That although Shri Gupta is being utilised as time-keeper since July, 1962 he has not been favoured with the grade applicable to time-keeper".

24. Thus, we find, that even before the Assistant Labour Commissioner (C), Patna the grievance of the concerned workman was that he should have been given the grade of time-keeper which is the dispute referred to this Tribunal for adjudication and hence the preliminary objection raised by Shri P. K. Bose is not tenable and is rejected.

25. On merits I have already held that the workmen have failed to prove that Shri B. P. Gupta is the time-keeper in the railway.

26. I, therefore, award that the management of M/s. Dehri Rohtas Light Railway Company Limited, Dalmianagar is justified in refusing to designate Shri B. P. Gupta as time-keeper and fix the prescribed pay scale of time-keeper. Shri B. P. Gupta is, therefore, not entitled to any relief.

27. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

New Delhi, 2 March, 1973

**S.O. 734.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court (No. 1), Dhanbad in the industrial dispute between the employers in relation to M/s Dehri Rohtas Light Railway Co. Ltd., Dalmianagar and their workmen, which was received by the Central Government on the 26th February, 1973.

[No. L. 41012/4/72/LRIII]

KARNAIL SINGH, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 11 of 1972

**Parties:**

Employers in relation to M/S. Dehri Rohtas Light Railway Company Limited, Dalmianagar

AND

Their Workmen.

**Present:**

Shri D. D. Seth, Presiding Officer.

**Appearances:**

For the Employers : Shri P. K. Bose, Advocate.

For the Workmen : Shri B. Lal, Advocate.

**State:** Bihar.

**Industry:** Railway.

Dhanbad, dated, the 16th February, 1973.

AWARD

This is the reference under section 10(1)(d) of the Industrial Disputes Act, 1947 and arises out of an Order of the

Government of India, Ministry of Labour and Rehabilitation, No.L-41012/4/72-LR.III dated New Delhi, the 6th March, 1972 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and runs as follows:

"Whether the management of Messrs Dehri Rohtas Light Railway Company Limited, Dalmianagar is justified in denying the benefit of the scale of pay of mason and blacksmith to Sarvashri Ram Briksha, basic tradesman mason and Ram Raj, basic tradesman blacksmith, who are performing the duties of the Tribunal. The same day a rejoinder on behalf of the concerned railway was filed in reply to the written statement of the workman.

2. The reference was received in the office of the Tribunal on the 24th March, 1972 and was registered as reference No. 11 of 1972. Notices were issued to the parties and were served.

3. On 12-7-72 written statement on behalf of the workmen was filed. On 9-10-72 written statement on behalf of the management of Dehri Rohtas Light Railway Company Limited, Dalmianagar, referred to hereinafter, as the concerned railway, was received and filed in the office of the Tribunal. The same day a rejoinder on behalf of the concerned railway was filed in reply to the written statement of the workman.

4. On 14-12-72 Shri P. K. Bose appearing on behalf of the concerned railway filed 11 items of documents along with a list. Only one document has been filed on behalf of the workmen and i.e. the failure report of the Assistant Labour Commissioner (Central), Patna and has been marked as Ext.W-1.

5. On 12-2-73 four documents filed on behalf of the concerned railway were admitted by Shri B. Lal, Advocate, appearing on behalf of the workmen and were marked Exts. M-1 to M-4. Ext.M-1 is a memorandum of settlement dated 27-4-70 arrived at between the management of the concerned railway and the union of the workmen. Ext.M-2 is the memorandum of settlement dated 31-5-71 arrived at between the management of the concerned railway and the union of the employees. This settlement was arrived at between the parties before the Assistant Labour Commissioner (Central), Patna. Along with Ext. M-2 there is an Annexure 'A' in which the name of Ram Briksha, one of the concerned workmen is entered at item no. 17 as Mason (B.T.M.). There are annexures 'B' and 'C' also to Ext.M-2 but they are not relevant for our purposes. Ext.M-3 is an agreement dated 14-6-62 between the management of the concerned railway and the union of the employees and Ext.M-4 is the memorandum of settlement dated 20-4-65 between the management of the concerned railway and the union of the employees.

6. The other exhibits filed on behalf of the concerned railway and which have been marked Exts.M5 to M-11 have been proved by Shri S. L. Jain, Assistant Personnel Officer of the concerned railway, MW1. These exhibits are copies of office orders issued on different dates by the management of the concerned railway. Of these mention may be made to Ext.M-6 dated 14-7-66 in which Ram Raj, one of the concerned workmen is mentioned at item no. 67 as B.T.M. (Smith) and also to Ext.M-7 dated 6-7-75 in which Ram Briksha is mentioned as B.T.M. (Mason) at item No. 6.

7. The case of the workmen, as contained in their written statement, put briefly, is that the two concerned workmen, namely Ram Briksha and Ram Raj, are members of the union of the employees and are permanent employees of the concerned railway company, that Ram Briksha and Ram Raj, although designated as basic tradesman mason and blacksmith respectively have been working as mason and blacksmith from 1st June, 1965 and 20th June, 1970 respectively, that both the workmen approached the management of the concerned railway praying that proper scales of pay may be given to them but their demand was not given effect to and, there-upon, the cause of the two workmen were taken up by their union and finding that there was no response from the management the union raised the dispute before the Assistant Labour Commissioner (Central), Patna

who started conciliation proceedings in which the management participated but the conciliation proceedings failed. It is further the case of the workmen that since the work of the two workmen is admitted as mentioned in the schedule of the reference there is no ground for the management to deny them the scales of pay of mason and blacksmith respectively and the management is not justified in denying the benefit of the scale of pay of mason to Shri Ram Briksha and the scale of pay of blacksmith to Shri Ram Raj.

8. The case of the management, as contained in its written statement, is that the present reference is incompetent and bad in law, that since the union representing the workmen entered into a bipartite settlement with the management on 27-4-70 and since that settlement was signed by the appropriate representatives of the management and of the employees, union and since that settlement has not yet been terminated by either of the parties to the settlement, that settlement is binding upon the parties and also that during the course of conciliation proceedings a memorandum of settlement was arrived at between the management of the concerned railway and the employees union on 31-5-71 and since that settlement is also in force the union cannot raise the present industrial dispute which is covered by these two settlements and hence the reference is incompetent and bad in law. On merits it is stated in paragraph 11 of the management's written statement that Shri Ram Raj was taken as a B.T.M. (Blacksmith) by the management with effect from 1-6-63 and was placed in the appropriate grade of basic tradesman (blacksmith) as per settlement between the parties dated 14-6-62, like all other BTMs of the concerned railway and in terms of Para 'K' of the settlement between the parties dated 20-4-65, Ramraj was confirmed as a basic tradesman (blacksmith) vide office order No. 13 passed by the management on 14-7-66 and continues in the status and scale of pay of a basic tradesman (blacksmith). It is stated in paragraph 12 that Shri Ramraj is performing the duties of a basic tradesman (blacksmith) and his contention that he is working as a blacksmith is not correct and is denied.

9. As regards Shri Ram Briksha the case of the management is that in terms of paragraph 'K' of the agreement between the parties dated 20-4-65, he was placed on the temporary rolls with effect from 1-6-65 as a basic tradesman (mason) vide office order no. 25 dated 6-7-65 passed by the management and placed in the appropriate grade of basic tradesman (mason) as per settlement between the parties dated 14-6-62. However, by a subsequent office order no.37 dated 30-9-65 his basic salary was raised from Rs. 75/- to Rs. 85/- with effect from 1-6-65 and later in response "to a conciliation settlement dated 31-5-71 the management was pleased to confirm his appointment as a basic tradesman (mason) with effect from 1-6-71 by its order no. 12 dated 26-7-71. It is stated in paragraph 15 of the written statement of the management that the settlement dated 27-4-70 between the parties was arrived at after due consideration and keeping in view the vacancies and needs of promotion "from the category of basic tradesman (semi skilled) to skilled category". With regard to the claim of the two concerned workmen the management's case is that promotion to higher grade of pay scale cannot be claimed as a matter of right but depends upon the requirements of the management and availability of the sanctioned strength of a particular category of workman. The management contends that it is, therefore, perfectly within its right to offer a scale of pay to any individual who seeks employment and it is open to the individual workman either to accept or to refuse the offer but he cannot agitate over the matter once he has willingly accepted the offer of the management. According to paragraph 19 of the management's written statement both the concerned workmen are employed in the semi skilled category and are paid accordingly and there has been no discrimination against the two concerned workmen. In its rejoinder to the written statement filed by the workmen it is reiterated by the management that the two concerned workmen have been properly designated and it is denied that Ram Briksha and Ramraj have been working as a mason and blacksmith respectively from 1-6-65 and 20-6-70 or from any other date.

10. On behalf of the concerned railway Shri P. K. Bose examined three witnesses. The first witness, Shri S. L. Jain, M.W.1 stated that he is the Assistant Personnel Officer of the concerned railway. He proved the various office orders which have been marked as Exts.M-5 to Ext.M11.

In cross-examination this witness has stated that the management had issued copies of the office orders to individual workmen. V.D. Supra, M.W.2 has stated that he is the Civil Engineer in the concerned railway and Ram Briksh one of the concerned workmen, is working in his department in the capacity of BTM (Mason). The witness explained that BTM means basic tradesmen and that a BTM is in the semi-skilled category while a mason is in the skilled category. The witness denied that Shri Ram Briksh has ever worked as mason in the skilled category and stated that he is still working as BTM (mason). In cross-examination Shri V. D. Supra stated that he has been the Civil Engineer in the concerned railway since July, 1967 and that he knows from the record that one Bansaropan Pandey retired in 1966 but denied that Ram Briksh was taken as a mason after the retirement of Bansaropan Pandey. The witness volunteered that one Shri Ramjeet was promoted as mason in place of Bansaropan. The witness stated that he knew the facts from the records in the office of the concerned railway and that he had not brought those records before the Tribunal and further stated that he saw those records three days before coming to appear before the Tribunal. The witness also denied that Ram Briksh was working as mason and stated that he was working as BTM (mason).

11. Shri N. K. Paul, M.W.3 is the Senior Mechanical Supervisor of the concerned railway. He stated that he knows Ramraj, the concerned workman, who is a basic tradesman (blacksmith) and further stated that it is not a fact that Ramraj has ever worked as a skilled blacksmith and that even today he is working as a basic tradesman (blacksmith) which is in the semi-skilled category. In cross-examination the witness stated that he has been with the concerned railway since 1967 and that a blacksmith is given independent charge of "Bhati and Nehai". The witness explained that Bhati is known as forge and Nehai is known as blower arrangement. At Dalmianagar Workshop, with which we are concerned, in the present reference, the witness stated that there are more than two bhaties and Nehais but there is only one blacksmith and his name is Shukhari. A blacksmith is provided with a hammerman to help him. The witness knows Kedar the Hammerman and also knows another hammerman named Ramanand and further stated that Kedar works with Shukhari and Ramanand works with Ramraj whenever he is required to do so. The witness also stated that he knows Bishwanath Sharma, Blacksmith who resigned in 1970 but denied that Ramraj was taken in place of Bishwanath Sharma as a blacksmith. The witness also denied that Ramraj was working independently as a blacksmith in place of Bishwanath Sharma since 1970. On the other hand Pokhraj has been promoted from BTM (blacksmith) to Blacksmith in place of Bishwanath Sharma. The witness admitted that Pokhraj was not working in Dalmianagar Workshop and further stated that a BTM (blacksmith) is also given charge of Bhati and Nehai and explained that a BTM (blacksmith) works with rough accuracy while a blacksmith works with maximum accuracy as per instructions given to him and that Supervisor and Charge-man allot the work to Blacksmiths. The witness denied that Ram Raj was working as a blacksmith and reiterated that he is working as a BTM (blacksmith).

12. On behalf of the workmen Shri B. Lal examined Shri S. K. Khanna, W.W.1 who stated that he is the Joint Secretary of the employees' union of the concerned railway and knows Ramraj and Rambriksha. Ramraj works as a blacksmith and Rambriksha works as a mason. To a question put by the Tribunal the witness replied that there is no difference between a blacksmith and BTM blacksmith. The difference is only in designation. In cross-examination he stated that as a Store Clerk he works in the store in Dalmianagar and that there are Civil Engineer and Mechanical Supervisor who supervise the work of the concerned workman. The witness admitted that at Dalmianagar there are two different designations as BTM which is considered as a semi-skilled workman by the management and that there is difference in salary between a BTM and semi-skilled workman.

13. Shri Ramraj, W.W.2 is one of the concerned workmen in the present dispute and stated that he has been working at the Dalmianagar Workshop since 1961 as a blacksmith and that he had learnt the job of blacksmith before joining the service of the concerned railway at his house as it is his family profession. He further stated that he is working independently at Dalmianagar Workshop for the

last three years. He had been given independent charges as blacksmith in place of Bishwanath Sharma who resigned. Blacksmiths are not supplied with any drawings to work. Shri Ramraj stated that he has been in complete charge of 'Bhati' and after the resignation of Bishwanath Sharma and that he has been given all kind of work to do. According to the witness a basic tradesman blacksmith is not given hammerman but a blacksmith is given a hammerman as a helper and Ramanand was given to the witness as a helper hammerman. In cross-examination by Shri P. K. Bose, Shri Ramraj stated that he was employed as a casual worker in 1967 and was confirmed as basic tradesman blacksmith three years ago and further stated that whenever a heavy work is undertaken only then hammerman is required. The witness admitted that he has not been supplied with any written order by the management to work in place of Shri Bishwanath Sharma, Blacksmith.

14. Before I deal with the contentions raised by the representatives of the parties, a brief explanation of the term "basic tradesman" and some of the relevant settlements entered into between the parties, which have already been referred to above, is necessary for a proper understanding of the submissions made on behalf of the parties.

15. Item 'H' demand no.7 at page 2 of Ext.M1 which is the settlement between the parties dated 27-4-70 and which was in operation at the time of the raising of the dispute by the workmen reads as follows:—

**"(H) Demand No. 7—**

- (a) It is agreed that 30 Senior most basic tradesman subject to minimum of 5 years service as BTM will be promoted to skilled cadre.
- (b) In future years every BTM, after completion of 5 years of service in semi-skilled cadre will be eligible for a trade test to skilled cadre against sanctioned requirement."

This shows that the words "BTM", in other words, basic tradesman refers to a semi-skilled worker. This position has been clarified by the deposition of Shri V. D. Supra, M.W.2, the Civil Engineer in the concerned railway who deposed that "BTM" means basic tradesman and BTM is in the semi-skilled category."

16. Shri S. K. Khanna the Store Clerk of the concerned railway who appeared as W.W.1 confirmed this position and stated as follows:—

"I know in Dalmianagar Establishment there are persons working, designated as BTM and there is difference in salary between a BTM and a skilled workman, because BTM workman is considered by the management as semi-skilled."

17. The settlement Ext.M1 dated 27-4-70 has been signed by the representatives of the parties and was in operation at the time when the dispute was raised on behalf of the concerned workmen by the union to which they belong. Sub-paragraph (b) of demand no. 34 of Ext. M1 is relevant and reads as follows :—

"Both the parties agree that during the pendency of this agreement but subject to a minimum period of two years complete industrial peace shall be maintained and the employees shall not raise any general demand involving financial obligations."

18. Ext.M2 between the parties is dated 31-5-71 and was arrived at during the conciliation proceedings before the Assistant Labour Commissioner (C), Patna who also signed the settlement along with the Personnel of the concerned railway and the Secretary of the Employees Union, Dalmianagar. This Ext.M2 was therefore in operation at the time when conciliation proceedings were being carried on i.e. when the dispute was raised on behalf of the workmen. The first term of settlement of Ext.M2 reads as follows:—

"50 Temporary workmen named in the list as per Annexure 'A' shall be placed on permanent cadre with effect from 1st June, 1971 subject to their being found medically fit and on their being in continued employment on that date."

Annexure 'A' to Ext. M2 mentions Shri Rambriksha as mason (BTM) at item No.17. I asked Shri B. Lal who appeared on behalf of the workmen with regard to the rescription of Shri Rambriksha as BTM (mason) in Annexure 'A' of Ext. M2 and Shri B. Lal had to concede that no objection was raised on behalf of the workmen. Had Rambriksha working as a mason, the Secretary of the Employees Union who signed Ext. M 2 must have raised an objection when he was described as a BTM (mason) in Annexure 'A' to Ext. M 2.

19. Shri P. K. Bose appearing for the concerned railway has taken a preliminary objection as to the maintainability of this reference. According to him the Central Government was not justified in making the reference under section 10(1)(d) of the Industrial Disputes Act, 1947 and further that this Tribunal has no jurisdiction to adjudicate upon the so called dispute referred to it for adjudication by the Central Government in the Schedule of the Order of reference mentioned above because at the time when the dispute was raised on behalf of the concerned workmen the two settlements dated 27-4-70 and 31-5-71 Ext. M 1 and Ext. M 2, which both the parties had signed, were in operation and had not been repudiated by either party. According to Shri P. K. Bose those two settlement were binding upon both the parties and while they were in operation there could be no dispute regarding matters which were covered by the terms of those settlement. Shri P. K. Bose further contended that the two settlements, namely, Ext. M 1 and Ext. M 2 were in operation when the dispute was raised on behalf of the concerned workmen before the Conciliation Authority and the specific dispute raised before the Conciliation Authority was covered by the two settlements and both the settlements were within the statutory provisions of section 18 of the Industrial Disputes Act, 1947.

20. Section 18 of the Industrial Disputes Act reads as follows:—

- "18. Persons on whom settlements and awards are binding:—

(1) A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding/shall be binding on the parties to the agreement.

(2) Subject to the provision of sub-section (3), an arbitration award which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.

(3) A settlement arrived at in the course of conciliation proceedings under this Act or an arbitration award in a case where a notification has been issued under sub-section (3A) of section 10A or an award of a Labour Court, Tribunal or National Tribunal which has become enforceable shall be binding on—

- (a) all parties to the industrial dispute;
- (b) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board, Arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, records the opinion that they were so summoned without proper cause;
- (c) .....
- (d) .....

21. Ext. M 1 is covered by section 18(1) of the Industrial Disputes Act and Ext. M 2 is covered by sub-section 3(b) of the Industrial Disputes Act.

22. The contention of Shri P. K. Bose is that during the period of the operation of the two settlements mentioned above either party was estopped from by passing the terms of the agreement and it was not open to the union of the workmen to raise the dispute on a matter which was covered by the settlements.

23. The record shows that Ext. M 1 and Ext. M 2, the two settlements between the parties, were in operation at the

time when the dispute was raised on behalf of the workmen before the Conciliation Authority and neither party had terminated those settlements.

24. It was held by the Supreme Court in Workmen of Kankanee Colliery and Amlabad Colliery of M/s. Bhowra Kankanee Collieries Ltd., and employers in relation to Kankanee Collieries of M/s. Bhowra Kankanee Ltd., Dhanbad reported in Supreme Court Labour Judgments (1950—67) (Vol. II) page 903 as follows:—

"Where on transfer of ownership of the collieries the workmen submitted a charter of demand under several heads; item Nos. 1, 2 and 3 of their demands related to service conditions and facilities, which were settled between the parties and it was provided, that these should be governed by the existing service conditions and facilities, by item No. 5, the workers demanded that the service rules or standing orders of transferee company should not be made applicable to them. In the agreement however, the workmen dropped this demand.

Held: Demand No. 5 having been dropped, it is necessarily meant that the employees gave up their demand that they should not be governed by the service rules of the transferee company. Their dropping this demand clearly meant that they agreed to be governed by those service rules and in the circumstances, the Tribunal was perfectly right in holding that while the agreement was still in force, the workmen were not entitled to raise any industrial dispute challenging the applicability of service rules of transferee company to them. Normally, the contention raised by the workmen that the facilities include all service rules would be correct but since in the instant case, the workmen themselves made a distinction between the two, such a contention is not available to them".

25. On behalf of the workman Shri B. Lal contended that the present dispute is not covered by the two settlement Ext. M 1 and Ext. M 2 because the present dispute is with regard to individual workmen and is not a general demand.

26. I have given careful thought to the contentions raised by the learned representatives of the parties and I find that there is force in the contention raised by Shri P. K. Bose appearing for the concerned railway and there is no force in the submission made by Shri B. Lal. Any demand which is raised by a union of employees on behalf of the workmen or a substantial number of workmen would be a general demand and this is the position in the instant case also. The dispute was raised on behalf of the concerned workmen by their union and it is, therefore, governed by demand no. 34(b) of Ext. M 1 which has been quoted in full above.

27. Shri B. Lal next contended that the preliminary objection now raised on behalf of the concerned railway by Shri P. K. Bose was not raised before the Conciliation Officer and hence it is not open to the management to raise the same at this stage. There is no force in this contention. The preliminary objection raised by Shri P. K. Bose goes to the root of the matter about the maintainability of the reference and also whether this Tribunal has jurisdiction to adjudicate upon the so called dispute referred to it by the Central Government. An objection regarding jurisdiction can always be raised at any stage. In certain cases objections regarding jurisdiction have been allowed to be raised for the first time even by the Supreme Court.

28. Shri B. Lal's next contention is that the terms of the reference made to the Tribunal are binding upon the Tribunal which cannot go beyond those terms. In this connection Shri B. Lal placed reliance on the failure report of the Assistant Labour Commissioner (C), Patna but that report does not contain any decision of the Conciliation Authority but only records the views of the union of the employees and of the management.

29. In my opinion while the two settlements Ext. M 1 and Ext. M 2 dated 27-4-70 and 31-5-71 respectively were in operation and had not been terminated by either party, it was not open to the union of the workmen to raise any dispute with regard to any term which was covered by the terms of those settlements.



30. In support of his contention Shri B. Lal placed reliance on a decision of the Supreme Court in Delhi Cloth & General Mills Co. vs. Their Workmen and others reported in 1967 (II) L.L.J. p. 423 in which the Supreme Court held "while it is open to the appropriate Government to refer the dispute or any matter appearing to be connected therewith for adjudication, the tribunal must confine its adjudication to the points of dispute referred and matters incidental thereto. In other words, the tribunal is not free to enlarge the scope of the dispute referred to it but must confine its attention to the points specifically mentioned and anything which is incidental thereto". It was further held by the Supreme Court on the order of reference in that case, "It was not competent to the workmen to contend before the tribunal that there was no strike at all and it was not open to the management to say there was no lockout declared by it."

31. The above decision of the Supreme Court is clearly distinguishable and is not applicable to the facts in the instant case. In the case before the Supreme Court the facts were entirely different and no objection at all had been raised in regard to the maintainability of the reference. In the instant case Shri P. K. Bose challenges the competency of the Central Government to refer the present dispute to this Tribunal for adjudication and also the jurisdiction of the Tribunal to adjudicate upon the same as it is not an industrial dispute because the matter raised in the instant case is covered by the two settlement Ext. M 1 and Ext. M 2. When a dispute is referred to the Tribunal for adjudication, it shows that the Central Government is of the opinion that an industrial dispute exists or is apprehended and, such a reference is not the decision of the Government. Moreover, the decision of the Supreme Court in Delhi Cloth & General Mills does not apply in the instant case because there has been no contradiction in the stand taken by the management whose consistent case has been from the very beginning that Rambriksha and Ramraj are basic tradesman (mason) and basic tradesman (blacksmith) respectively. It is always open to this Tribunal to go into the question about the maintainability of the reference and hence I do not find any force in the contention raised by Shri B. Lal appearing for the workmen.

32. For the reasons mentioned above, in my opinion, the preliminary objection raised by Shri P. K. Bose appearing on behalf of the management has got to be sustained and is sustained. In view of the fact that the preliminary objection of Shri P. K. Bose upheld, it is not necessary to decide the alleged dispute on merits.

33. In view of the above discussion I accordingly award that the appropriate Government acted without jurisdiction in making the present reference and hence this reference is not maintainable and cannot be entertained.

34. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

नई दिल्ली, 6 फरवरी, 1973

आदेश

का. आ. 735.—यतः केन्द्रीय सरकार की राय है कि इससे उपा-बद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स हिन्दुस्तान स्टील लिमिटेड, रूरकेला के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवेदिशत करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री लक्ष्मीधर मालिक होंगे जिनका मुख्यालय भुवनेश्वर होगा और उक्त

विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निवेदिशत करती है।

अनुसूची

"क्या मैसर्स हिन्दुस्तान स्टील लिमिटेड, रूरकेला के प्रबन्धतंत्र की अपनी बरसुआ आयरन और माइन्स, डाकघर तेन्सा में नियोजित निम्नीलिखित कर्मचारियों को पदव्युत्तर करने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष के, यदि कोई हो, हकदार हैं?"

1. श्री ए. धी. सभापाठी
2. श्री ए. सी. रॉय
3. श्री कान्हु मोहन्ती
4. श्री बिरा महाकुड
5. श्री डी. एन. दास
6. श्री डी. भगवान मोहन्ती
7. श्री एस. के. मुखर्जी
8. श्री टी. गोस्वामी
9. श्री फ्रागु मुण्डा
10. श्री एस. सैमूल
11. श्री सी. डी. जोशी
12. श्री टी. मोहाराना
13. श्री के. एन. मोहाराना
14. श्री के. सी. रोजत
15. श्री एस. आर. रॉय
16. श्री पी. ठाकुर

[सं. एल-26011/18/72-एल. आर.-4]

New Delhi, the 6th February, 1973

ORDER

S.O. 735.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Hindustan Steel Limited, Rourkela and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Laxmidhar Mallick as Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the action of the management of Messrs. Hindustan Steel Limited, Rourkela, in dismissing the following workmen, employed in their Barsua Iron Ore Mines, Post Office Tensa, is justified? If not, to what relief, if any, are the workmen entitled?"

1. Shri A. V. Sabhapathy
2. Shri A. C. Roy
3. Shri Kanhu Mohanty
4. Shri Bira Mahakud
5. Shri D. N. Das
6. Shri D. Bhagwan Mohanty
7. Shri S. K. Mukherji

8. Shri T. Goswami
9. Shri Fagu Munda
10. Shri M. Samuel
11. Shri C. D. Joshi
12. Shri T. Moharana
13. Shri K. N. Moharana
14. Shri K. C. Rout
15. Shri S. R. Roy
16. Shri P. Thakur.

[No. L-26011/18/72-LR. IV]

नई दिल्ली, 19 फरवरी, 1973

## आवृत्ति

का. आ. 736.—यतः केन्द्रीय सरकार की राय है कि इससे उपा-  
बद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स जयपुर  
उद्योग लिमिटेड की फलोदी क्वारी, सवाई माधोपुर, के प्रबन्धतंत्र  
से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक  
विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के  
लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का  
14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा  
प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक  
औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी  
श्री उपदेश नारायण माथुर होंगे, जिनका मुख्यालय जयपुर (राजस्थान)  
होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण, को न्याय-  
निर्णयन के लिए निर्दिष्ट करती है ।

## अनुसूची

"क्या मैसर्स जयपुर उद्योग लिमिटेड की फलोदी क्वारी, सवाई-  
माधोपुर के प्रबन्धतंत्र द्वारा नियोजित कर्मकार, लेखा वर्ष  
1970-71 के लिए उपार्जित मजदूरियों पर 20 प्रतिशत की  
दर से बोनस के भुगतान के हकदार हैं? यदि नहीं, तो  
कर्मकार बोनस की किस मात्रा के हकदार हैं?"

[सं. एल/29011/6/73-एल. आर.-4]

एस. एस. सहस्त्रनामन, अवर सचिव

New Delhi, the 19th February, 1973

## ORDER

**S.O. 736.**—Whereas the Central Government is of opi-  
nion that an industrial dispute exists between the employers  
in relation to the management of Phalodi Quarry of Messrs.  
Jaipur Udyog Limited, Swaimadhopur and their workmen in  
respect of the matter specified in the Schedule hereto  
annexed ;

And, whereas the Central Government considers it desir-  
able to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by  
section 7A, and clause (d) of sub-section (1) of section 10  
of the Industrial Disputes Act, 1947 (14 of 1947), the Cen-  
tral Government hereby constitutes an Industrial Tribunal of  
which Shri Updesh Narain Mathur shall be the Presiding  
Officer, with headquarters at Jaipur (Rajasthan) and refers  
the said disputes for adjudication to the said Tribunal.

## SCHEDULE

"Whether the workmen employed by the management of  
Phalodi Quarry of Messrs. Jaipur Udyog Limited  
Swaimadhopur, are entitled to the payment of  
bonus at the rate of 20 per cent of earned wage  
for the accounting year 1970-71? If not, to what  
quantum of bonus the workers are entitled?"

[No. L-29011/6/73-LR IV]

New Delhi, the 27th February, 1973

**S.O. 737.**—In pursuance of section 17 of the Industrial  
Disputes Act, 1947 (14 of 1947), the Central Government  
hereby publishes the following award of the Central Gov-  
ernment Industrial Tribunal (No. 2), Bombay, in the matter  
of an application under section 33A of the said Act from  
Shri Mohamadsab Kitmatgar, Goa, which was received by  
the Central Government on the 17th February, 1973.

[F. No. 24/5/69-LR. IV]

S. S. SAHASRANAMAN, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

## Complaint No. CGIT-2/1 of 1972

Arising out of REF. No. CGIT-2/2 of 1969

## Parties :

Shri Mohamadsab Kitmatgar, House No. 335, Assonora,  
Bardes, Goa—Complainant.

## VERSUS

Messrs. Pandurang Timblo Industries, Margao, Goa—  
Opponent.

## Present :

Shri N. K. Vani, Presiding Officer.

## Appearances :

For the Complainant—Shri George Vaz, General Secretary,  
Goa Mining Labour Welfare Union, Goa.

For the opponent—Shri Ramesh Desai, Labour Adviser,

Industry : Iron Ore Mines State : Goa, Daman and Diu.

Bombay, dated the 1st February, 1973

## AWARD

This is a complaint under Section 33A of the Industrial  
Disputes Act, 1947 by the complainant against Messrs.  
Pandurang Timblo Industries, Margao complaining  
about his wrongful termination of service and claiming re-  
instatement with continuity of service and back wages.

2. The facts giving rise to this application are as fol-  
lows :—

- (i) The complainant Shri Mohamadsab Kitmatgar was  
a workman working with the opponent as a Blaster  
at the Barga Dongor Mine since 1966. He parti-  
cipated in the strike which commenced from  
14-2-1969. The strike was for demanding differ-  
ence in wages due to the recommendations of the  
Central Wage Board for Iron Ore Mining Indus-  
try for the period from 1-1-1967 to 31-12-1967.  
As the management was not prepared to give the  
arrears an industrial dispute was raised and the same  
was referred for adjudication to this Tribunal. That  
reference was CGIT-2/2 of 1969.
- (ii) During the pendency of the reference departmental  
enquiry was held against the complainant and he  
was dismissed from service, holding the charges  
levelled against him proved. As the reference was



pending the company made application No. CGIT-2/11 of 1969 for approving its action of dismissing the complainant. That application was opposed by the present complainant. The same was dismissed by this Tribunal on 28-9-1970. As that application was dismissed, the present complainant was deemed to be in service.

(iii) After the judgement in that application the complainant had filed application under Section 33C(2) of the I. D. Act, 1947 for claiming wages from the date of dismissal till the date of application amounting to Rs. 3,892.50. That application was allowed and the opponent paid Rs. 3,724.44 after deducting the Provident Fund on the wages as due upto 31-1-1971.

(iv) The complainant's grievance is that he is not allowed to resume duty and he was never called on work. He therefore considers this as violation of Section 33 of the I.D. Act, 1947 and prays for reinstatement with continuity of service.

3. The opponent company has filed written statement at Ex. 1/E.

4. The opponent has raised number of contentions raising preliminary objections too. According to the opponent:—

(i) In spite of repeated instructions, he failed to resume his duties from 8-2-1971. Even after subsequent notices he did not report on duty. The company gave advertisement in the local English daily, 'Navhind Times', dated 19-5-1971 and the local Marathi daily, 'Rashtramat', dated 18-5-1971. In spite of these notices calling upon the worker to join duty he failed to resume duty. The company therefore concluded that the complainant had abandoned his services voluntarily. Hence the complaint under Section 33A is not tenable.

5. On 24-1-1973 the complainant has given application as mentioned below:—

"May it please the Honourable Labour Court,

I, the undersigned complainant in the above complaint filed under Section 33A hereby withdraw the complaint as this is not the correct forum under which I can claim redress. I reserve the right to take such other legal action as may be required to find redress for my complaint of not receiving back wages from Messrs. Pandurang Timblo Industries Pvt. Ltd."

6. Shri Ramesh Desai appearing on behalf of the company has no objection for the withdrawal.

7. Section 33A of the I.D. Act, 1947 is as follows:—

"33A. Where an employer contravenes the provision of Section 33 during the pendency of proceedings before a Labour Court, Tribunal or National Tribunal any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Labour Court, Tribunal or National Tribunal and on receipt of such complaint that Labour Court, Tribunal or National Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly."

8. It is clear from the above mentioned Section 33A of the I.D. Act that this Tribunal will have to entertain the complaint under Section 33A of the I.D. Act, if the employer concerned contravenes the provisions of Section 33 during the pendency of the proceedings before the Tribunal, Labour Court or National Tribunal. In the present case while reference No. CGIT-2/2 of 1969 was pending before me, the enquiry was held against the complainant and the company dismissed him from service, holding the charges levelled against him proved. Thereafter the company concerned had made application under Section 33(2)(b) of the

I.D. Act for approving its action of dismissal of the complainant. As it has taken the action as required under law, it cannot be said that the company has contravened any provisions of the law. This Tribunal has therefore no jurisdiction to entertain the complaint.

9. The complainant wants to withdraw the complaint with liberty to take such other legal action as may be required. As the complaint is not tenable the complainant's right to take recourse to law is not in any way prejudiced by dismissing the complaint, as this Tribunal has no jurisdiction to entertain the same. I, therefore, pass the following order:—

#### ORDER

(i) It is hereby declared that this Tribunal has no jurisdiction to entertain the present complaint under Section 33A and that it is bad in law.

(ii) Complaint is dismissed.

(iii) Award is made accordingly.

(iv) No order as to costs.

N. K. VANI, Presiding Officer.

New Delhi, the 27th February, 1973

**S.O. 738.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between Shri Jaishankar Mishra, Contractor, Manoharpur Iron Ore Mines of Messrs Indian Iron Steel Company Limited, Post Office Chirda, District Singhbhum, and their workmen, which was received by the Central Government on the 17th February, 1973.

[No. 8/1/70-I.R. IV]

S. S. SAHASRANAMAN, Under Secy.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 17 of 1970

#### Present:

Shri B. S. Tripathi, Presiding Officer.

#### Parties:

Shri Jaishankar Mishra, Contractor, Manoharpur Iron Ore Mines of M/s. Indian Iron & Steel Co. Ltd., P.O. Chirda, Dist. Singhbhum.

AND

His workman Shri Shikari Khandait.

#### Appearances:

For Employer—Shri Sitaram Khaitan, Advocate.

For Workman—Shri B. K. Lat, Advocate.

Industry: Iron Ore.

State: Bihar.

Dhanbad, the 9th February, 1973

#### AWARD

The Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) being of the opinion that an industrial dispute exists between the aforesaid parties in respect of the matters specified in the schedule of reference, referred the said dispute to this Tribunal by their Order No. 8/1/70-LR-IV dated the 12th March, 1970 under Section 10(1)(d)

of the Industrial Disputes Act, 1947 for adjudication. The schedule of reference is extracted below:—

#### SCHEDULE

"Whether Shri Jaishankar Mishra, Contractor, Manoharpur Iron Ore Mines of M/s. Indian Iron & Steel Company Limited was justified in terminating the services of Shri Shikari Khandait with effect from the 31st May, 1969? If not, to what relief is the workman entitled?"

2. The reference was received in this Tribunal on 28-3-1970 when it was registered as reference No. 17 of 1970. Both the parties thereafter filed their respective written statements. The written statement of the workman dated 6-4-1970 was received in this Tribunal on 9-4-1970 and the written statement of the employer dated 26-11-1970 was received by the Tribunal on 30-11-1970. On behalf of the workman an additional written statement-cum-rejoinder to the written statement of the employer was filed on 19-11-1971. The dispute in question was raised by the concerned workman himself i.e. by Shri Shikari Khandait and the present proceeding before the Tribunal was conducted by him. From the reference itself it appears that Shri Jaishankar Mishra was working as Contractor at Manoharpur Iron Ore Mines of M/s. Indian Iron and Steel Co. Limited and the concerned workman Shri Shikari Khandait was the workman of the said contractor during the relevant time. Shri Jaishankar Mishra terminated the services of Shri Shikari Khandait with effect from 31st May, 1969. The point for decision of the Tribunal is whether the above action of Shri Jaishankar Mishra terminating the services of Shri Shikari Khandait with effect from 31st May, 1969 was justified and if not, what relief Shri Shikari Khandait is entitled to.

3. According to the case of the employer Shri Shikari Khandait applied for leave from 3-4-1969 to 4-5-1969 which was granted and the workman availed the leave. It is said that the workman did not turn up to duty after the expiry of the leave granted to him, whereupon as per letter dated 19-5-1969 he was asked to join his duty by 26-5-1969 failing which he would be treated as discharged from service. A copy of it was also sent to the Secretary of Gua Mines Workers' Union, Chiria, recognised by the management of the Company and the Contractor. The workman did not join his duty even after that. It is stated that for absenting from duty the workman was discharged from service and as such the reference should be decided against the workman.

4. The case made out by the workman in his original written statement dated 6-4-1970 is that under the orders of Shri Achhebar Maharaj, the father of Contractor Sri Jaishankar Mishra, the workman was deputed to the Jojang mines of Contractor Hirji Dhanji on 3-4-1969 to construct a bunker. He remained there for 5 or 6 months for constructing bunker there and thereafter he came back to his old post under Shri Jaishankar Mishra and when the question of payment of wages came up for consideration after 15 days, the contractor, namely Shri Jaishankar Mishra, did not give proper wages to the concerned workman and manufactured papers for removal of the workman from service and he was informed through another workman not to come to duty from 7-10-1969. The prayer accordingly is to set aside the order of the employer terminating the service of Shri Shikari Khandait and to reinstate him with back wages.

5. In the additional written statement-cum-rejoinder to the written statement of the employer, referred to above, the workman admitted that he took leave from 3-4-1969 to 4-5-1969 and availed of the same after it was sanctioned. After he returned from leave he worked for 5 days and then on 9-5-1969 he was directed by Shri Achhebar Mishra, the father of Shri Jaishankar Mishra, to go to Jojang Iron Ore Mines to construct a bunker on behalf of Shri Jaishankar Mishra, his employer, which he complied and after completing the construction of the bunker he resumed his duty in Manoharpur Iron Ore Mines on 19-9-1969 and worked there till 6-10-1969 when he was stopped from work. It is said that the workman was not paid his wages from 3-4-1969 till 6-10-1969 and when demand was made for his wages the employer stopped him from work with effect from 6-10-1969 without assign-

ing any reason. The workman states that the termination of his services is mala fide, illegal and unjustified. He is therefore entitled to be reinstated in his job with back wages and other benefits.

6. On behalf of the employer 2 witnesses have been examined and they are MW-1 Shri S. P. Gupta and MW-2 Sri Jaishankar Mishra. MW-2 is the employer himself who works as a Contractor in Manoharpur Iron Ore Mines. MW-1 works as Supervisor under MW-2 in the said contract work of the employer. The concerned workman has been examined himself as WW-1. No other witness has been examined on his behalf. Both parties have got certain documents exhibited in this case on their behalf. I shall refer to the oral and documentary evidence adduced by the parties in course of discussion, if and when the necessity for the same will arise.

7. The fact that Shri Shikari Khandait was working as Fitter under Shri Jaishankar Mishra, Contractor is admitted by the parties. According to the case of employer Shri Shikari Khandait went on leave from 3-4-1969 to 4-5-1969 and thereafter he did not turn up. Ext. M-1 is the original leave application of Sri Shikari Khandait praying for leave for the said period. This application has been exhibited on admission of the workman. In the original written statement the workman however did not mention of the fact that he had gone on leave from 3-4-1969 but in the additional written statement, already referred to above, he has admitted to have gone on leave from 3-4-1969 to 4-5-1969. This fact has also been admitted by the workman in his evidence. The case made out by the workman, however, is that after availing of the leave granted to him, he came back to his duty and worked for 5 days and thereafter under the direction of Shri Achhebar Mishra, the father of Shri Jaishankar Mishra employer, he went to Jojang Iron Ore Mines of Contractor Hirji Dhanji to construct a bunker and after constructing the same he resumed his duties at Manoharpur Iron Ore Mines on 19-9-1969 and worked there till 6-10-1969 when he was stopped from work. The case of the employer is that neither he nor his father had deputed the concerned workman to Jojang Iron Ore Mines and the employer has no concern whatsoever with that mine or with the construction of any bunker there.

8. Excepting the oral statement of the workman himself there is no evidence oral or documentary to corroborate the workman that after the expiry of leave he came and joined his duty and worked for 5 days under the employer. The entry made in Form D register maintained by the employer under Mines Act belies the statement of the workman that the workman rejoined his work under the employer. This register is maintained by the employer showing the number of workmen working under the contractor from 13-10-1968 to 11-9-1971 and also showing their attendance or absence during that period. This was called for by the workman and the workman got it exhibited on his behalf and it is Ext. W-2. The entries in this register go to show that Shri Shikari Khandait was on leave without pay from 3-4-1969 to 3-5-1969, 4-5-1969 was Sunday and 5-5-1969 was holiday. From 6-5-1969 he has been shown as absent without any information. He has been shown as such till 31-5-1969. From the 1st of June 1969 the entry in this register against the name of Shri Shikari Khandait is that he left the job after long absence. The entries in the Form D register are corroborated by the evidence of MW-1 and MW-2 that Shri Shikari Khandait never turned up to duty after he went on leave from 3-4-1969. From the evidence of MW-1 it appears that he on behalf of his employer gave notice to the workman on 19-5-1969 to join his duty by 26-5-1969 failing which he would be treated as discharged from service. Ext. M-2 is the office copy of the said notice. The evidence of MW-1 further is that a copy of this notice to the workman was given to the Secretary of Gua Mines Workers' Union, recognised by the Contractor and also by the Company under whom the Contractor works. Ext. M-3 is the relevant entry in the despatch book relating to the issue of the notice in question to Shri Shikari Khandait and a copy to the Secretary, Gua Mine Workers' Union on 19-5-1969. The copy of the notice given to the Secretary was duly received and the note against the notice given to Shri Shikari Khandait is that he was not found and accordingly it was hung up at his residence. The evidence of MW-1 is that he himself had taken the notice to the residence of the

workman and as he could not be found at his house it was hung up by him at the workman's house. I see no reason to disbelieve the testimony of MW-1 and I accept the same. According to the case of the workman he was working in Jojang Iron Ore Mines from 9-5-1969 to 18-9-1969. The fact as to whether the workman was working there during the said period is another question. But the fact remains that according to the admitted case of the workman he was not in his house during the said period. This fact corroborates the statement of MW-1 that the workman was not found in his house when he went to serve the notice aforesaid on 19-5-1969.

9. There is no documentary evidence in support of the allegation of the workman that in fact he was working at Jojang Iron Ore Mines and was constructing a bunker there during the period from 9-5-1969 to 18-9-1969 and that he was working there at the instance of his employer Shri Jaishankar Mishra or his father Shri Achhebar Mishra. No independent witness has been examined to corroborate the workman in this regard and there is no explanation for the absence of the same. There is no reliable evidence on record to prove that Shri Achhebar Mishra had anything to do with the contract work which Shri Jaishankar Mishra was carrying on in Manoharpur Iron Ore Mines. MW-2 Shri Jaishankar Mishra and his supervisor MW-1, who was working under MW-2, have denied the allegation of the workman that the workman was deputed to Jojang Iron Ore Mines for the construction of bunker. The statement of the workman in his original statement is that he was deputed to work in Jojang Iron Ore Mines from 3-4-1969. But the case made out by him subsequently in his additional written statement and also in his evidence in Court is that he was on leave till 4-5-1969 and thereafter he worked upto 9-5-1969 at Manoharpur Iron Ore Mines when he was deputed to work in Jojang Iron Ore Mines. Thus the workman has made inconsistent case at different times. Further the Form D register maintained by the employer, Ext. W-2, relied upon by the workman, does not show that the workman was working in Manoharpur Iron Ore Mines from 5-5-1969 to 9-5-1969. The further case made out by the workman is that from Jojang Iron Ore Mines he came back to his duty in Manoharpur Iron Ore Mines and resumed his duty on 19-9-1969 and worked there till 6-10-1969 whereupon he was stopped from doing his duty. The registrar Ext. W-2 does not show that the workman was working in Manoharpur Iron Ore Mines from 19-9-1969 to 6-10-1969. The workman got the register of wages for weekly paid workers maintained by the employer in Form III under Payment of Wages Act exhibited and it is marked as Ext. W-1. This register also does not show that the workman worked in the Iron Ore Mines in question under the employer from 5-5-1969 to 9-5-1969 or from 19-9-1969 to 6-10-1969 and any wages were calculated or paid to him for the period from 5-5-1969 to 6-10-1969. If actually the workman would have worked under the employer from 5-5-1969 to 6-10-1969, partly in his original place of duty and partly on deputation in Jojang Iron Ore Mines, it is difficult to believe that the workman would not demand his wages during this period and if not paid, would not make any grievance of the same. According to the case of the workman himself he was not paid his wages from 3-4-1969 to 6-10-1969 and he made demand of the same for the first time on 6-10-1969 whereupon he was asked not to continue his work.

10. In consideration of the evidence and circumstances stated above, I do not accept the story of the workman that he rejoined his duty under the Contractor Shri Jaishankar Mishra at Manoharpur Iron Ore Mines on 5-5-1969, after the expiry of his leave from 3-4-1969 to 4-5-1969, worked there for 5 days and then he was deputed by his employer or his father to construct a bunker at Jojang Iron Ore Mines and he resumed his duty at Manoharpur Iron Ore Mines on 19-9-1969 and worked there till 6-10-1969. I accept the case of the management that the workman went on leave on 3-4-1969 when he was granted leave without pay from that date to 4-5-1969 and thereafter the workman did not come to join his duty. The evidence on record already discussed above goes to show that notice was issued to the workman on 19-5-1969, a copy whereof was also given to the Labour Union concerned, asking the workman to join his duty by 26-5-1969, failing which the workman would be deemed to have been discharged from service. The evidence on record further shows that the workman was discharged from service by his employer on account

of his absence from duty without leave or permission with effect from 31-5-1969.

11. Admittedly there is no Standing Order governing the service conditions of the workmen working under the contractor Shri Jaishankar Mishra. From the register in Form D, already referred to above (Ext. W-2), it will appear that atleast during the period from 13-10-68 till 11-9-71 the number of workmen working under the Contractor Shri Jaishankar Mishra in his contract work varied from 7 to 44. At the time of argument the Learned Advocates of both the parties admitted before me that even prior to 13-10-68 also the number of workmen working under the said contractor on any day was below one hundred. In the absence of any Standing Order in any establishment governing the service conditions of the workmen, the Model Standing Orders under Industrial Employment (Standing Orders) Act, 1946 and the rules framed therein will have application, provided the provisions of the said Act are applicable to such an establishment. Under Section 1, Sub-Section (3) of the said Act, the Industrial Employment (Standing Orders) Act will have application to the industrial establishments where one hundred or more workmen are employed or were employed on any day of the preceding 12 months, unless the appropriate government by notification in the official gazette apply the provisions of this Act to any industrial establishment employing such number of persons less than one hundred as may be specified in the notification. There is nothing on record to show that there was any notification by the Government making the provisions of the said Act applicable to the establishment of the Contractor Shri Jaishankar Mishra. At the time of argument the Learned Counsels of both the parties admitted before me that there has been no such notification. In view of the facts on record and what I have said above, it is apparent that the provisions of Industrial Employment (Standing Orders) Act, 1946 will have no application to the establishment in question. That being so, the Model Standing Order given in the said Act governing the service conditions of the employees will not apply in the present case. In view of this and in the absence of any written contract of service, the right of the employer to terminate the services of his employee will be subject to the control by social and natural justice.

12. On behalf of the workman it is urged that the services of the workman should not have been terminated without issuing chargesheet and holding a departmental enquiry giving opportunity to the workman to explain the charge and to defend himself in such an enquiry and since in the present case no chargesheet was issued and no departmental enquiry was held, the order of the employer terminating the services of the workman must be set aside. Accordingly the submission is that the action taken by the employer against the workman Shri Shikari Khandait is against natural justice. In this connection reference may be made to the decision of their Lordships of the Supreme Court in the case of Burn & Company, Calcutta Vs. their employees, reported in 11 F.J.R. 217. In that case one Asimanand Benerjee was arrested under the West Bengal Security Act and detained in jail from January 25, 1949 to April 5, 1949. The Company terminated his services on April, 22, 1949, on the ground of continued absence. The Appellate Tribunal ordered his reinstatement on the ground that he had been discharged without a charge and without holding an enquiry. Their Lordships of the Supreme Court observed :—

"We are unable to agree with this decision. The ground of discharge is the continued absence of the employee, and his inability to do work, and it is difficult to see what purpose would be served by a formal charge being delivered to him and conceivable answer he could give thereto. The order of the Appellate Tribunal is manifestly erroneous and must be set aside."

The said ruling in my opinion applies to the present case. It comes to this, therefore, that the order of the employer terminating the services of Shri Shikari Khandait cannot be set aside simply on the ground that no formal charge was drawn up by the employer against him and no departmental enquiry on the charge was held prior to the present reference. Again, if there be no such enquiry or if the enquiry be defective the employer has the right to prove his case justifying termination of the services of the concerned workman before the Tribunal after reference, which the employer in the present case has done. The workman before the Tribunal

was given full opportunity to meet the case of the employer. I have already disbelieved the case made out by the workman and have found that the workman did not join his duty after the expiry of the leave granted to him and remained absent from duty without any leave or permission, even after notice to join duty. Ultimately the services of the workman was terminated by the employer with effect from 31st May, 1969 for continued absence without leave or permission. In my opinion, under the circumstances stated above the action of the employer cannot be said to be unjustified and it cannot be said to be against social or natural justice. The order of the employer terminating the services of the workman is not, therefore, liable to be set aside.

13. My answer to the reference therefore is that Shri Jai-shankar Mishra, Contractor of Manoharpur Iron Ore Mines of M/s. Indian Iron & Steel Company Limited was justified in terminating the services of Shri Shikari Khandait with effect from 31st May, 1969. In that view of the matter, the workman is not entitled to any relief.

14. This is my award. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

B. S. TRIPATHI, Presiding Officer.

New Delhi, the 2nd March, 1973

**S.O. 739.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the General Assurance Society Limited, Lucknow and their workmen, which was received by the Central Government on the 24th February, 1973.

S. S. SAHASRANAMAN, Under Secy.  
[F. No. L. 17012/5/71-LR. 1.]

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, JABALPUR.

CAMP AT ALLAHABAD

Dated, February 12, 1973

**Present :**

Mr. Justice S. N. Katju Presiding Officer

**Ref. Case No. CGIT/LC(R)(38)/72**

(Notification No. L-17012/5/71-LR. 1 dated 30-10-1971 and subsequent Notification transferring the case to this Tribunal No. 12025/34/72/LR III dated October 6, 1972).

**Parties :**

Employers in relation to the General Assurance Society Limited, Lucknow and their workmen represented through the General Insurance Employees Union, Lucknow, (U.P.).

**Appearances :**

For employers—Shri D. C. Gupta, Manager.

For workmen—Shri R. N. Verma, Joint Secretary of the Union.

**Industry :** Insurance

**District :** Lucknow (U.P.).

**AWARD**

This is a reference under Section 10(1)(d) of the Industrial Disputes Act.

The workman was employed as a peon in the General Assurance Society Limited Lucknow (hereinafter called the Society) on 1-7-1969 for a period of six months. According to the workman, he was given a regular appointment with effect from 1-7-1970, but his services were wrongly terminated

on 28-10-1970. He alleged that the only reason shown in the letter terminating his services was that he was illiterate. According to the workman, he had been appointed as a peon and was subsequently made permanent by the Society which knew fully well that he was not literate.

It was contended on behalf of the Society that Jhaboolal had been appointed purely on temporary basis for a period of six months and that he was quite illiterate. Subsequently on a representation of the local Union, Jhaboolal, was given a regular appointment with effect from 1-7-1970 by a letter dated 17-7-1970 which was duly accepted by him. It was urged that according to the aforesaid appointment letter Jhaboolal was to remain on probation for a period of six months and the Society if not satisfied with his work could terminate his service any time during his probationary period. Since his work was not found to be satisfactory the Society terminated his service within the probationary period with effect from 31-10-1970.

The question referred to me is:—

“Whether the management was justified in terminating the services of Jhaboo Lal, Peon with effect from the 28th October, 1970 and whether he was entitled to any relief?”

The parties have resolved the dispute by a mutual settlement. An application has been filed before me dated 9-2-1973 which is signed by Shri D. C. Gupta, the manager (Northern Zone) of the Society and by Shri R. N. Verma, the Joint Secretary of the General Insurance Employees Union, Allahabad who also represents the workman. Two other witnesses have also signed the aforesaid application. It says that the parties have resolved the dispute and have agreed to the following terms:—

1. The management agrees to give fresh appointment to Jhaboo Lal in any of its offices in the Northern Zone, on permanent basis, as and when any vacancy is sanctioned by the Head Office.
2. The Union agrees that no compensation of any kind will be paid to Jhaboo Lal.

The parties have prayed that this Tribunal should make its award in accordance with the aforesaid terms of the mutual settlement between the parties. The aforesaid terms are fair and reasonable and I make my award in terms of the aforesaid settlement arrived at between the parties. The parties will bear their own costs. The aforesaid application incorporating the terms of the settlement will form part of the Award.

S. N. KATJU, Presiding Officer.

BEFORE THE INDUSTRIAL TRIBUNAL (C) AT  
JABALPUR.

CAMP : ALLAHABAD.

Industrial Dispute between the Management of Central Assurance Society Ltd., and its workman is regarding termination of services of Shri Jhaboo Lal (Peon).

**Case No. CGIT/LC(R)/38/72**

The parties have resolved the dispute after mutual discussion on the following terms:—

1. The Management agrees to give fresh appointment to Shri Jhaboo Lal in any of its offices in the Northern Zone, on permanent basis, as and when any vacancy is sanctioned by the Head Office.
2. The Union agrees that no compensation of any kind will be paid to Shri Jhaboo Lal.

The parties pray that the Hon'ble Tribunal may be pleased to award accordingly.

Witness : R. S. NIGAM

D. C. GUPTA,  
MANAGER NORTHERN ZONE.  
For General Assurance Society Ltd.,  
Representing the Management.

Witness : B. K. BAJPAL

R. N. VERMA,  
Jt. Secretary.  
GENERAL INSURANCE EMPLOYEES UNION,  
ALLAHABAD.

Representing the Workman.

ALLAHABAD.

Dated : 9-2-1973.

Part of Award

S. N. KATJU, Presiding Officer.

नई दिल्ली, 24 फरवरी, 1973

का. आ. 740.—डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5-क की उपधाराओं (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एम. वी. भट्ट, अध्यक्ष, मोर्मूगाओ पोर्ट ट्रस्ट को, मोर्मूगाओ गोदावरी श्रम बोर्ड के सदस्य के रूप में नियुक्त करती है और उन्हें 31 दिसम्बर, 1972 के अपराह्न से 22 जनवरी, 1973 तक श्री वी. श्रीनिवासचारी के स्थान पर उक्त बोर्ड का अध्यक्ष मनोनीत करती है और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 2930, तारीख 20 अगस्त, 1968 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, —

- (1) प्रारम्भिक पैराग्राफ में, "श्री वी. श्रीनिवासचारी" शब्दों और वर्णों के स्थान पर "श्री एम. वी. भट्ट" शब्दों और वर्णों का प्रतिस्थापन किया जायेगा,
- (2) "केन्द्रीय सरकार का प्रतिनिधित्व करने वाले सदस्य" शीर्षक के नीचे मद्द (1) के सामने की प्रविष्टि के लिए, निम्न प्रविष्टि प्रतिस्थापित की जायेगी, अर्थात् :—

"श्री एम. वी. भट्ट" अध्यक्ष, मोर्मूगाओ पोर्ट ट्रस्ट, मोर्मूगाओ ।"

[वी.-16012/1/73-पी. एण्ड डी. (1)]

श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या वी.-16012/1/73-पी. एण्ड डी. (1) दिनांक—1973 के साथ संलग्न किया जाने वाला ध्यातयात्मक शापन

#### ध्यातयात्मक शापन

श्री वी. श्रीनिवासचारी ने अध्यक्ष, मोर्मूगाओ पोर्ट ट्रस्ट के अध्यक्ष के पद का कार्यभार 31 दिसम्बर, 1972 को छोड़ दिया और श्री एम. वी. भट्ट वित्तीय सलाहकार और मुख्य लेखा अधिकारी, मोर्मूगाओ पोर्ट ट्रस्ट, ने उनसे अध्यक्ष के पद का कार्यभार ले लिया। मोर्मूगाओ पोर्ट ट्रस्ट के अध्यक्ष की हौसियत में श्री एम. वी. भट्ट का 31 दिसम्बर, 1972 के अपराह्न से मोर्मूगाओ गोदावरी श्रम बोर्ड, मोर्मूगाओ के अध्यक्ष के रूप में नियुक्त किया जा रहा है। श्री एम. वी. भट्ट की इस प्रकार भूतलक्षी प्रभाव से नियुक्ति करने के फलस्वरूप किसी तीसरे व्यक्ति के हित को कोई हानि नहीं पहुँचती।

New Delhi, the 24th February, 1973

S.O. 740.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri M. V. Bhatt, Chairman, Mormugao Port Trust as a member of the Mormugao Dock Labour Board and nominates him to be the Chairman of the said Board vice Shri V. Srinivasachari with effect from the afternoon of the 31st December, 1972, to the 22nd January, 1973 and makes the following amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2930, dated the 20th August, 1968, namely:—

In the said notification,—

- (i) in the opening paragraph, for the words and letters "Shri V. Srinivasachari", the words and letters "Shri M. V. Bhatt" shall be substituted,
- (ii) under the Heading "Members representing the Central Government" for the entry against item (1), the following entry shall be substituted, namely:—

"Shri M. V. Bhatt, Chairman, Mormugao Port Trust, Mormugao".

[No. V-16012/1/73-P&D(ii)]

V. SANKARALINGAM, Under Secy.

Explanatory Memorandum to be appended to the Ministry of Labour and Rehabilitation (Department of Labour & Employment) Notification No. V-16012/1/73-P&D(i), dated 24-2-1973.

Shri V. Srinivasachari relinquished charge of the post of Chairman, Mormugao Port Trust, on the afternoon of 31st December, 1972 and Shri M. V. Bhatt, Financial Adviser and Chief Accounts Officer, Mormugao Port Trust, took over charge of the post of Chairman from him. In his capacity as the Chairman of the Mormugao Port Trust, Shri M. V. Bhatt is being appointed as the Chairman, Mormugao Dock Labour Board, Mormugao, with effect from the afternoon of 31st December, 1972. No third person's interest would be adversely affected by giving such retrospective effect to the appointment of Shri M. V. Bhatt.

नई दिल्ली, 26 फरवरी, 1973

का. आ. 741.—यतः कांडला डॉक कर्मकार (नियोजन के विनियमन) स्कीम, 1969 में संशोधन करने के लिए कतिपय प्रारूप-स्कीम डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अर्पित भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (2) तारीख 7 अक्टूबर, 1972 के पृष्ठ 3845 पर, भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 2736, तारीख 30 सितम्बर, 1972 के अधीन, राजपत्र में उसके प्रकाशन की तारीख से एक मास तक ऐसे सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य है, आक्षेप और सुझाव मांगते हुए प्रकाशित की गई थी ;

और यतः उक्त राजपत्र जनता को 7 अक्टूबर, 1972 को उपलब्ध कराया गया था ;

और यतः उक्त राजपत्र जनता को 7 अक्टूबर, 1972 को उपलब्ध आक्षेप और सुझाव प्राप्त नहीं हुए हैं ;

अतः, अब, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, कांडला डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1969 में और संशोधन करने के लिए एतद्वारा निम्नलिखित स्कीम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का नाम कांडला डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 होगा।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. कांडला डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1969 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 32 के उपखण्ड (3) में, विद्यमान "स्पष्टीकरण" के स्थान पर निम्नलिखित "स्पष्टीकरण" रखा जाएगा, अर्थात् :—

"स्पष्टीकरण :—इस खण्ड में, 'दिन' से किसी कर्मकार द्वारा किसी दिन एक या एक से अधिक घंटे में काम करना अभिमत होगा।"

3. उक्त स्कीम के खण्ड 35 में, "2 घंटे से अधिक रोकें गए किसी कर्मकार को मंहगाई भत्ते सहित पूरी मजदूरी दी जाएगी" वाक्य के स्थान पर निम्नलिखित वाक्य रखा जाएगा, अर्थात् :—

"यदि किसी कर्मकार को 2 घंटे से अधिक रोका जाता है तो, वह इस शर्त के अधीन कि वह पूरी घंटे में उपलब्ध रहेगा और प्रशासनिक निकाय द्वारा अनुकूल रोजगार किए जाने पर उसे करेगा, मंहगाई भत्ते सहित पूरी मजदूरी का हकदार होगा।"

[फा. सं. वी-17012/3/71/पी. एंड डी.]

वी. शंकरलिंगम, अवर सचिव

New Delhi, the 26th February, 1973

**S.O. 741.**—WHEREAS certain draft scheme to amend the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at page 3845 of the Gazette of India, part-II, section 3, sub-section (ii), dated the 7th October, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), No. S.O. 2736, dated the 30th September, 1972 inviting objections and suggestion from all persons likely to be affected thereby, till one month from the date of its publication in the Official Gazette;

AND WHEREAS the said Gazette was made available to the public on the 7th October, 1972;

AND WHEREAS no objections and suggestions has been received, from the public on the said draft by the Central Government;

NOW, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following scheme further to amend the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 namely:—

1. **Short title and commencement.**—(1) This Scheme may be called the Kandla Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In clause 32 of the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 (hereinafter referred to as the said Scheme), in sub-clause (3), for the existing Explanation, the following Explanation shall be substituted, namely:—

"**Explanation:**—In this clause, a 'day' shall mean one or more than one shift worked by a worker on any day".

3. In clause 35 of the said Scheme, for the sentence "A worker detained for more than 2 hours shall be paid full

wages inclusive of dearness allowance", the following sentence shall be substituted, namely:—

"If a worker is detained for more than two hours he shall be entitled to full wages inclusive of dearness allowance subject to the condition that he shall continue to be available throughout the shift and shall accept such alternative employment as may be offered by the Administrative Body".

[F. No. V-17012/3/71-P&D]

**S.O. 742.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the Industrial Dispute between the employers in relation to the Management of Messrs F.C.R. Machado and Sons, Stevedores, Vasco-da-Gama (Goa) and their workmen, which was received by the Central Government on the 17th February, 1973.

(AWARD)

[No. L-36011/5/71-P&D]

V. SANKARALINGAM, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/3 of 1972

Employers in Relation to the Management of Messrs F. C. R. Machado and Sons, Stevedores Vasco-da-Gama (Goa).

AND

Their workmen

Present:

Shri N. K. Vani, Presiding Officer.

Appearances:

For the Employers—Shri Ramesh Desai, Labour Adviser.

For the Workmen—Shri G. D. Phadakamkar, General Secretary, Mormagoa Stevedores Staff Association.

Industry: Ports and Docks. State: Goa, Daman and Diu.

Bombay, the 30th January, 1973

AWARD

By Order No. L-36011/5/71-P&D dated 11-2-1972 the Central Government in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Messrs F.C.R. Machado and Sons, Stevedores Vasco-da-Gama (Goa) and their workmen in respect of the matters specified in the schedule as mentioned below:—

SCHEDULE

"Whether the management of Messrs F.C.R. Machado and Sons, Stevedores, Vasco-da-Gama is justified in not implementing the recommendations of Central Wage Board for Port and Dock Workers in respect of Shovel Keepers as accepted in resolution No. WB-21(7)/69 dated 28th March, 1970 of the Government of India with effect from 1st January, 1969. If not, to what relief are the workmen entitled?"

2. After the receipt of the reference notices were issued to the parties to file their written statement.

3. In pursuance of the notice, the General Secretary, Mormugao Stevedores Staff Association. Shri G. D. Bhadkamkar has filed written statement on behalf of the employees.

4. According to him —

- (i) The employees concerned in the order of reference among others have been working since long in the service of the company as Shovelkeepers. They have been working to the entire satisfaction of the company since 1969. The total number of Shovelkeepers are six in number. The employees joined the Association in order to fight for their rights. This was not to the liking of the company and as such started harassing the workmen. The workmen believe in fighting for their rights in a democratic way through their registered Association known as Mormugao Stevedores' Staff Association.
- (ii) The Government of India accepted the majority and unanimous recommendations for Port and Dock Workers by their Resolution No. WB-21(7)/69 of 28th March, 1970 to be operative from 1-1-1969. The company being a registered stevedore accepted the said recommendation and implemented the same in respect of registered dock workers through Mormugao Dock Labour Board. The Shovelkeepers being dock workers working on Board the vessel called upon the management to extend the benefits of the Wage Board recommendations to them but to no avail. Even at the intervention of the Conciliation Officer the employer did not care to attend the proceedings and discuss the same.
- (iii) The Shovelkeepers have been working on Board the vessel to supply shovel, Paddas and other loading equipments and maintain an amount of them. As a result of the implementations of the Wage Board recommendations of the entire working class got the substantial monetary benefits with retrospective effect. The Shovelkeepers though dock workers have not been given the same benefits by the aforesaid employer. The category of Shovelkeepers working in other stevedoring concerns have been extended the same benefits through a settlement under Section 12(3) of the Industrial Disputes Act, 1947. When majority of the Shovelkeepers have been enjoying the benefits of Wage Board recommendations, the workmen are justified in claiming the same. The management is not justified in denying the said benefits to the Shovelkeepers working under them.
- (iv) The workmen claim a scale of Rs. 115-3-136-4-140-EB-4-160 alongwith other benefits such as Dearness Allowance, City Compensatory Allowance, House Rent Allowance and Additional Dearness Allowances as recommended by the Wage Board.

5. The management took time to file the written statement but did not file any.

6. On 25-1-1973 the company and the employees entered into a settlement and produced the same before me at Ex. 4/EW requesting that Award be passed in terms of the settlement. The settlement is as follows:—

Reference No. CGIT-2/3 of 1972

BETWEEN

Messrs F.C.R. Machado & Sons, Stevedores.

AND

their workmen.

May it please your Honour,

The parties to the above reference jointly state that mutual settlement has been reached between the parties as under:—

"The company agrees to introduce the scale of Rs. 110-2.50-135-3-147 for Shovel Keepers/Watchmen from the date the Central Wage Board recom-

mendations for Port and Dock Workers at Major port, were extended to other staff.

The arrears, due to introduction of this scale and the existing scale, would be paid on or before 15th March, 1973".

The parties jointly pray that your Honour may be pleased to pass an award in terms of this settlement.

Panaji, dated the 25th day of January 1973".

7. Shri G. D. Bhadkamkar, General Secretary of the Association and Shri Ramesh Desai, Labour Adviser for the Company have given evidence proving the settlement.

8. On going through the terms of settlement it is clear that the company has agreed to give the benefits of the recommendations of the Central Wage Board for Port and Dock Workers to the Shovelkeepers/Watchmen working with it. In view of this agreement it is clear that the management of Messrs F.C.R. Machado and Sons, Stevedores, Vasco-da-Gama was not justified in not implementing the recommendations of the Central Wage Board for Port and Dock Workers in respect of Shovel Keepers as accepted in resolution No. WB-21(7)/69 dated 28th March, 1970 of the Government of India with effect from 1-1-1969 and that Shovelkeepers are entitled to get the scale of pay mentioned in the settlement. As the settlement is in the interest of parties and as it is fair, I accept the same and pass the following order:—

#### ORDER

(i) Award is made in terms of Ex. 4/EW referred to above.

(ii) Parties to bear their own costs.

N. K. VANI, Presiding Officer.

नई दिल्ली, 27 फरवरी, 1973

का. आ. 743.—विशाखापत्तनम् डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपीक्षित उन सभी व्यक्तियों की जानकारी के लिए जिनका उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है; और एतद्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में जो आक्षेप या सुझाव किसी व्यक्ति से इस प्रकार विनिर्दिष्ट तारीख के पूर्व प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

#### प्रारूप स्कीम

1. इस स्कीम का नाम विशाखापत्तनम् डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 होगा।

2. विशाखापत्तनम् डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 के खण्ड 33 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"33. जब नियुक्ति के पश्चात् कार्य उपलब्ध न किया जाए तब मजदूरी का संदाय:—

जब आरक्षित पूल का कोई कर्मकार स्वयं को कार्य के लिए प्रस्तुत करे और कि कारण हो, वह कार्य जिसके लिए वह उपस्थित हुआ हो, प्रारम्भ नहीं हो सकता या आगे

नहीं बढ़ सकता, तब वह इस शर्त के अधीन रहते हुए कि वह सम्पूर्ण पारी में उपलब्ध रहेगा और अनुकूली नियोजन दिया गया तो उसे स्वीकार करेगा, मजदूरी की साधारण दर का हकदार होगा।

**स्पष्टीकरण :—**“मजदूरी की साधारण दर” पद से आधारीक कालानुपाती मजदूरी दर और भत्ते, यदि कोई हों, अभिप्रेत हैं।”

[फा. सं. वी-15013/4/72-पी एण्ड डी]

New Delhi, the 27th February 1973

**S.O. 743.**—The following draft of Scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### DRAFT SCHEME

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

2. For clause 33 of the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 the following shall be substituted namely:—

“33. Payment of wages when work is not made available after engagement. When a Worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed, he shall be entitled to ordinary rate of wages subject to the condition that he is available throughout the shift and accepts alternative employment, if provided.

**Explanation.**—The expression ‘ordinary rate of wages’ means the basic time-rate wage plus allowances, if any”.

[File No. V. 15013/4/72-P&D-i]

**का. आ. 744.**—विशाखापत्तनम् अरिजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, डाक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथा अपेक्षित, उन सभी व्यक्तियों की जानकारी के लिए, जिन्हें उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है, और एतद्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में जो आपेक्ष या सुझाव किसी व्यक्ति से इस प्रकार विनिर्दिष्ट तारीख के पूर्व प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

#### प्रारूप स्कीम

1. इस स्कीम का नाम विशाखापत्तनम् अरिजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 होगा।

2. विशाखापत्तनम् अरिजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 के खण्ड 29 के स्थान पर निम्नलिखित रखा जाएगा. अर्थात्:—

“29. जब नियुक्ति के पश्चात् कार्य उपलब्ध न किया जाए तब मजदूरी का संदाय :—जब कोई सूचीबद्ध कर्मकार स्वयं का कार्य के लिए प्रस्तुत करे और किसी कारण से वह कार्य जिसके लिए वह उपस्थित हुआ हो, प्रारम्भ न किया जा सके या आगे न बढ़ सके, तब वह इस शर्त के अधीन रहते हुए, कि वह सम्पूर्ण पारी में उपलब्ध रहेगा और यदि अनुकूली नियोजन दिया जाए तो उसे स्वीकार करेगा, मजदूरी की साधारण दर का हकदार होगा।

**स्पष्टीकरण :—**“मजदूरी की साधारण दर” पद से आधारीक कालानुपाती मजदूरी दर और भत्ते, यदि कोई हों, अभिप्रेत हैं।

[सं. वी. 15013/4/72-पी. एण्ड डी.]

**S.O. 744.**—The following draft of a Scheme further to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified, will be taken into consideration by the Central Government.

#### DRAFT SCHEME

1. This Scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. For clause 29 of the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 the following shall be substituted, namely:—

“29. Payment of wages when work is not made available after engagement.—When a listed worker presents himself for work and for any reason the work for which he has attended cannot commence or proceed, he shall be entitled to ordinary rate of wages subject to the condition that he is available throughout the shift and accepts alternative employment, if provided.

**Explanation.**—The expression ‘ordinary rate of wages’ means the basic time-rate wage plus allowance, if any”.

[No. V-15013/4/72-P.& D.]

**का. आ. 745.**—डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5-क की उपधाराओं (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एस.डी.आर. श्री आर. जे. मजीडिया अध्यक्ष, मोर्मगाओ पोर्ट ट्रस्ट के मोर्मगाओ गोदी श्रम बोर्ड के सदस्य के रूप में नियुक्त करती है और उन्हें 23 जनवरी, 1973 से श्री एम. वी. भट्ट के स्थान पर उक्त बोर्ड का अध्यक्ष मनोनीत करती है और भारत सरकार के श्रम, रोजगार



और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 2930, तारीख 20 अगस्त, 1968 में निम्नीलिखित संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में—

- (1) प्रारंभिक पैराग्राफ में, “श्री एस. वी. भट्ट” शब्दों और वर्णों के स्थान पर “श्री आर. जे. मजीठिया” शब्दों और वर्णों का प्रतिस्थापन किया जायेगा,
- (2) “केंद्रीय सरकार का प्रतिनिधित्व करने वाले सक्षम” शीर्षक के नीचे, मद्ध (1) के सामने की प्रविष्टि के लिए निम्न प्रविष्टि प्रतिस्थापित की जाएगी; अर्थात् :—

“श्री आर. जे. मजीठिया,

अध्यक्ष, मोर्मूगाओ पोर्ट ट्रस्ट, मोर्मूगाओ।”

[वी. 16012/1/73-पी. एण्ड डी. (2)]

वी. शंकरालिंगम, अवर सचिव।

श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या वी.-16012/1/73-पी. एण्ड डी. (2) दिनांक 27 फरवरी, 1973 के साथ संलग्न किया जाने वाला व्याख्यात्मकज्ञापन।

श्री आर. जे. मजीठिया ने 23 जनवरी, 1973 से मोर्मूगाओ पोर्ट ट्रस्ट के अध्यक्ष के पद का कार्यभार संभाल लिया और उस ही संयत में उन्हें उस तारीख से मोर्मूगाओ गोदी श्रम बोर्ड मोर्मूगाओ का अध्यक्ष नियुक्त किया जा रहा है। मोर्मूगाओ गोदी श्रम बोर्ड, मोर्मूगाओ के अध्यक्ष के रूप में उनकी इस प्रकार की भूतलक्षी प्रभाव से नियुक्ति करने के फलस्वरूप किसी तीसरे व्यक्ति के हित को कोई हानि नहीं पहुँचेंगी।

**S.O. 745.**—In exercise of the powers conferred by sub-section (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri R. J. Majithia, Chairman, Mormugao Port Trust as a member of the Mormugao Dock Labour Board and nominates him to be the Chairman of the said Board *vice* Shri M.V. Bhatt, with effect from the 23rd January, 1973 and makes the following amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2930, dated the 20th August, 1968, namely:—

In the said notification,

- (i) in the opening paragraph, for the words and letters “Shri M.V. Bhatt”, the words and letters “Shri R.J. Majithia” shall be substituted,
- (ii) Under the Heading “Members representing the Central Government” for the entry against Item (1), the following entry shall be substituted, namely:—

“Shri R. J. Majithia, Chairman, Mormugao Port Trust, Mormugao”.

[V. 16012/1/73-P&D (ii).]

V. SANKARALINGAM, Under Secy.

Explanatory Memorandum to be appended to the Ministry of Labour and Rehabilitation (Department of Labour and Employment) notification No. V-16012/1/73-P&D (ii) dated the 27th February, 1973.

Shri R. J. Majithia assumed charge as the Chairman, Mormugao Port Trust, Mormugao on 23rd January, 1973 and in that capacity he is being appointed as the Chairman, Mormugao Dock Labour Board, Mormugao with effect from that date. No third person's interest would be effected by giving retrospective effect to his appointment as Chairman, Mormugao Dock Labour Board, Mormugao.

55 G of I/72—8

नई दिल्ली, 26 फरवरी, 1973

**का. आ. 746.**—यतः केंद्रीय सरकार का समाधान हो गया है कि भारत सरकार के जीयोडेटिक एंड रिसर्च ब्रांच वर्कशाप, रावे आफ डेहरादून के कर्मचारियों को सारतः कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबंधित प्रसुविधाएं जैसी प्रसुविधाएं अन्यथा प्राप्त हैं।

अतः, अब, उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 499, तारीख 25 जनवरी, 1972 के क्रम में केंद्रीय सरकार, कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् उपरिवर्णित कर्म-शाला को उक्त अधिनियम के प्रवर्तन से 1 जनवरी, 1973 से 31 दिसम्बर, 1973 तक, जिसमें यह दिन भी सम्मिलित है, एक और वर्ष की अवधि के लिए एक्स्त्रा छूट देती है।

[फा. सं. 601(54)/70-एच आई]

New Delhi, the 26th February, 1973

**S.O. 746.**—Whereas the Central Government is satisfied that the employees of the Geodetic and Research Branch Workshop, Survey of India, Dehra Dun, belonging to the Government of India, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948).

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 499 dated the 25th January, 1972, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned workshop from the operation of the said Act for a further period of one year with effect from the 1st January, 1973 upto and inclusive of the 31st December, 1973.

[F. No. 601/54/70-HI]

नई दिल्ली, 1 मार्च, 1973

**का. आ. 747.**—यतः मैसर्स सी. गोपाल नाथगर एण्ड सन्स, बीसन फाउन्ड्री, भद्रास-21 (जिससे इस में इसके पश्चात् उक्त स्थापना कहा गया है) को कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का. नि. आ. 3416, तारीख 17 अक्टूबर, 1957 द्वारा छूट दी गई है,

और यतः उक्त स्थापन निम्नीलिखित शर्तों का पालन करने में असमर्थ रहा है, अर्थात् :—

- (1) मासिक विवरणी प्रस्तुत करना,
- (2) भविष्य निधि संचयन को न्यायियों के बोर्ड को हस्तान्तरित करना,
- (3) भविष्य निधि संचयन का केंद्रीय सरकार की प्रतिभूतियों में विनिधान,
- (4) निरीक्षण प्रभार की अदायगी,
- (5) भविष्य निधि लेखा को ठीक से रखना।

और यतः केंद्रीय सरकार का समाधान हो गया है कि उक्त स्थापन उन शर्तों के पालन के लिए युक्तियुक्त अवसर देने के बाद भी बिना पर्याप्त कारणों के शर्तों के अनुपालन में बराबर असफल रहा है

अतः अब, उक्त अधिनियम की धारा 17 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त स्थापना को वी गई छूट को एतद्वारा तुरन्त प्रभावी रूप से रद्द करती है।

[सं. 11(16)/68-पी. एफ. 2]

New Delhi, the 1st March, 1973

**S.O. 747.**—Whereas Messrs. C. Gopal Nayagar and Sons, Basin Foundry, Madras-21 (hereinafter called the said establishment) has been granted exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) by the notification of the Government of India in the late Ministry of Labour and Employment, number S.R.O. 3416, dated the 17th October, 1957;

And whereas the said establishment has failed to comply with the following conditions, namely:—

- (1) the submission of monthly returns,
- (2) the transfer of provident fund accumulations to the Board of Trustees,
- (3) the investment of provident fund accumulations in Central Government securities,
- (4) the payment of inspection charges,
- (5) the maintenance of provident fund accounts properly;

And whereas the Central Government is satisfied that the failure to comply with the conditions has continued without any sufficient cause inspite of reasonable opportunity having been given to the said establishment to comply with those conditions.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 17 of the said Act, the Central Government hereby cancels, with immediate effect, the exemption granted to the said establishment.

[No. 11(16)/68-PF. II]

नई दिल्ली, 1 मार्च, 1973

**का. आ. 748.**—यतः मॅसर्स आसाम प्लाईवुड लिमिटेड (जिसमें इसमें इसके पश्चात्, उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और कटुम्ब पेंशन अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है;

और यतः केन्द्रीय सरकार की राय में अभिदाय की दरों की बाबत उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी भविष्य निधि की अन्य प्रसुविधाएं भी पा रहे हैं जो कर्मचारियों के लिए कुल मिलाकर उन प्रसुविधाओं से कम अनुकूल नहीं हैं, जो, उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध में, उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम, 1952 (जिसमें इसमें इसके पश्चात्, उक्त स्कीम कहा गया है) के अधीन दी जाती है,

अतः अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त स्कीम के सभी उपबन्धों के प्रयत्न से एतद्वारा छूट देती है और उक्त धारा 17 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा निर्देश देती है कि—

(क) उक्त स्थापन से सम्बद्ध नियोजक उक्त स्थापन के उन कर्मचारियों को, जो, यदि यह छूट न दी गई होती

तो, उक्त स्कीम के अधीन सदस्य हो गए होते, तत्समय दिये गये थे (आधारित मजदूरी, मंहगाई भत्ता, प्रति-धारण भत्ता, यदि कोई हो, और उस पर अनुज्ञेय खास्य गिरावट का नकद मूल्य) 0.09 (शून्य दशमलव शून्य नौ) प्रतिशत की दर से निरीक्षण-प्रभार मासान्त के पन्द्रह दिन के भीतर कर्मचारी भविष्य निधि को देगा,

(ख) उक्त नियोजक भविष्य निधि अभिदायों को, केन्द्रीय सरकार द्वारा समय-समय पर निकाले गये निर्देशों के अनुसार, विनिर्दिष्ट करेगा।

### अनुसूची

1. नियोजक प्रादेशिक भविष्य निधि आयुक्त को वे विवरणियां भेजेगा, जिन्हें केन्द्रीय सरकार समय-समय पर विहित करे।
2. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा-विवरण या पास बुक भेजेगा।
3. निधि के पश्चात् जिसमें लेखाओं का बनाए रखना, लेखाओं और विवरणियों का भेजा जाना, संचयों का अंतरण, निरीक्षण-प्रभारों आदि का सन्दाय सम्मिलित हैं, में अन्तर्दलित सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।
4. नियोजक समुचित सरकार द्वारा अनुमोदित निधि के नियमों की एक प्रति स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा और जब कभी उनमें संशोधन किया जाएगा तब कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य-मुख्य बातों का अनुवाद भी प्रदर्शित करेगा।
5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी निधि) या छूट-प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले से ही सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन की निधि के सदस्य के रूप में उसका नाम तुरन्त ही दर्ज करेगा और ऐसे कर्मचारी की बाबत उसके पिछले संचयों को स्वीकार करके उन्हें उसके खाते में जमा करेगा।
6. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थापन आता है, भविष्य निधि के अभिदायों की दर कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 के अधीन बढ़ा दी जाए तो नियोजक भविष्य निधि के अभिदायों की दर समुचित रूप से बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसुविधाएं उन प्रसुविधाओं से कम अनुकूल न हो जाएं जिनकी व्यवस्था कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 के अधीन है।
7. स्थापन अपनी भविष्य निधि का संपरीक्षित तुलन-पत्र हर वर्ष प्रादेशिक भविष्य निधि आयुक्त को वर्षान्त के तीन मास के भीतर भेजेगा।
8. भविष्य निधि नियमों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा। जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो वहां प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व, कर्मचारियों का अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

[सं. 11/51/67-पी. एफ.-2]

**S.O. 748.**—Whereas M/s. Assam Plywood Limited Calcutta (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952);

AND WHEREAS in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

NOW, THEREFORE, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said Section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (Basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in accordance with the directions issued by the Central Government from time to time.

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an Annual Statement of Account or Pass Book.
3. All expenses involved in the administration of the Fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc. shall be borne by the employer.
4. The employer shall display on the Notice Board of the establishment a copy of the Rules of the Fund as approved by the appropriate Government and, as and when amended alongwith a translation of the salient points thereof in the language of the majority of the employees.
5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations, in respect of such employee and credit to his account.
6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Fund and Family Pension Fund Act, 1952 so that the benefits under the provident fund Scheme of the Establishment shall not become less favourable than the benefits provided under the Employees' Provident Funds and Family Pension Fund Act, 1952.

7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.

8. No amendment of the Rules of the provident fund shall be made without the previous approval of the Regional Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employee, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11/51/67-PF. II]

नई दिल्ली, 2 मार्च, 1973

**का. आ. 749.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार तेलगू प्रेस एंड सेक्रेटरीयट प्रेस, हैदराबाद की, ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उल्लंघन प्रवृत्त हैं, अवास्थिति का ध्यान में रखते हुए उक्त प्रेसों को उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवास्थिति का ध्यान में रखते हुए उक्त प्रेसों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अंशदान के संदाय से इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए एतद्वारा छूट देती हैं।

[का. सं. 601(57)/70-एच-1]

New Delhi, the 2nd March, 1973

**S.O. 749.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Telugu Press and Secretariat Press, Hyderabad in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said presses from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the date of the publication of this notification in the official gazette.

[File No. 601(57)/70-HI]

**का. आ. 750.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेर्स विरुधुनगर बस्थागा करियासथर्गल कोऑपरेटिव स्टोर्स लिमिटेड, विरुधुनगर रामनाड जिला नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उल्लंघन उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1972 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस.-35019(4)/72-पी. एफ. 2(1)]

**S.O. 750.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Virudhunagar Varthaga Kariyasthargal Cooperative Stores Limited, Virudhunagar, Ramnad District have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund

Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January 1972.

[No. S-35019/4/72-PF. II(i)]

का. आ. 751.—कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात् एतद्वारा मैसर्स विरुधुनगर, वरथागा करियासथर्गल कोआपरेटिव स्टोर्स लिमिटेड विरुधुनगर, रामनाड जिला नामक स्थापन को 1 जनवरी, 1972 से उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एस-35019(4)/72-पी. एफ. 2(2)]

S.O. 751.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 1st January, 1972, the establishment known as Messrs Virudhunagar Varthaga Kariyasthargal Cooperative Stores Limited, Virudhunagar, Ramnad District for the purposes of the said proviso.

[No. S-35019/4/72-PF. II(ii)]

का. आ. 752.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गिडिंग्स एंड लिबीज फ्रेंजर लिमिटेड, 14 नेताजी सुभाष रोड, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के दिसम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(55)/72-पीएफ 2]

S.O. 752.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Giddings and Lewis Fraser Limited, 14 Netaji Subhas Road, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of December, 1971.

[No. S-35017/55/72-PF. II]

का. आ. 753.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जी. जी. आर. एन्टर्प्राइजेज 4-1 मदन स्ट्रीट, कलकत्ता-13 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना, 1971 के नवम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017/56/72-पीएफ 2(1)]

S.O. 753.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs G. G. R. Enterprises, 4-1 Madan Street, Calcutta-13 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1971.

[No. S-35017/56/72-PF. II(i)]

का. आ. 754.—केन्द्रीय सरकार भविष्य निधि और कटुम्ब पेंशन अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 30 नवम्बर, 1971 से जी. जी. आर. एन्टर्प्राइजेज, 4-1 मदन स्ट्रीट, कलकत्ता-13 नामक स्थापन को एतद्वारा उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एस-35017(56)/72-पी.एफ.2(2)]

S.O. 754.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 30th November, 1971 the establishment known as Messrs G. G. R. Enterprises, 4-1 Madan Street, Calcutta-13 for the purposes of the said proviso.

[No. S-35017/56/72-PF. II(ii)]

का. आ. 755.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स स्किपर, 5-रसेल स्ट्रीट, कलकत्ता-18 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के अगस्त के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(57)/72-पी.एफ. 2]

**S.O. 755.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Skipper, 5, Russel Street, Calcutta-16 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1971.

[No. S-35017/57/72-PF. II]

**का. आ. 756.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स एस के इलेक्ट्रो केम इण्डस्ट्रीज, पी-139 लेक रोड, कलकत्ता-29 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के दिसम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(58)/72 पी.एफ. 2]

**S.O. 756.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Eskay Electro Chem Industries, P-139 Lake Road, Calcutta-29 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of December 1971.

[No. S-35017/58/72-PF. II]

**का. आ. 757.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स इण्डियन वूड मैन्युफैक्चरिंग कम्पनी, 58/4, बी. टी. रोड, कलकत्ता-2 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के मार्च के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(59)/72-पी.एफ. 2]

**S.O. 757.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Indian Wood Manufacturing Company, 58/4, B. T. Road, Calcutta-2 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1971.

[No. S-35017/59/72-PF. II]

**का. आ. 758.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स प्रताप ईश्वरदास एण्ड कं., 395/397, नर्सि नाथा स्ट्रीट, मुम्बई-9 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के दिसम्बर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-350 18(103)/72-पी. एफ. 2]

**S.O. 758.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pratap Iswardas and Company, 395/397, Narsi Natha Street, Bombay-9 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1971.

[No. S-35018/103/72-PF. II]

**का. आ. 759.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स प्रिसिजन इंजीनियर्स, प्लांट ए-76, रोड 21, बागले इंडस्ट्रियल एस्टेट धाना नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1972 के मार्च के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(104)/72-पी. एफ. 2]

**S.O. 759.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Precision Engineers, Plot A-76, Road-21, Wagle Industrial Estate, Thana have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1972.

[No. S-35018/104/72-PF. II]

**का. आ. 760.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सिलिका वयर (प्राइवेट) लिमिटेड, प्लॉट सं. 91ए, रोड नं. 16, वाघ इंडस्ट्रियल एस्टेट, थाना नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1971 के दिसम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-350 18(108)/72-पी. एफ. 2 (1)]

**S.O. 760.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Silica Ware (Private) Limited Plot No. 91A, Road No. 16, Wagh Industrial Estate Thana have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of December, 1971.

[No. S-35018/108/72-PF. II(i)]

**का. आ. 761.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हिन्द शिपिंग एजेंसीस, बलार्ड एस्टेट, मम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1868 के फरवरी के अट्ठाईसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(110)/72-पी. एफ. 2]

**S.O. 761.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hind Shipping Agencies, Bellard Estate, Bombay-1 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty eighth day of February, 1968.

[No. S-35018/110/72-PF. II]

**का. आ. 762.**—कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात्, मैसर्स सिलिका वयर (प्रा.) लिमिटेड, प्लॉट नं. 91 ए, रोड नं. 16, वाघ इंडस्ट्रियल एस्टेट, थाना नामक स्थापन को 31 दिसम्बर, 1971 से उक्त परन्तुक के प्रयोजनों के लिए एतद्वारा विनियमित करती है।

[सं. एस-35018(108)/72-पी. एफ. 2 (2)]

**S.O. 762.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from 31st December, 1971 the establishment known as Messrs Silica Ware (Private) Limited Plot No. 91-A, Road No. 16 Wagh Industrial Estate, Thana for the purposes of the said proviso.

[No. S-35018/108/72-PF. II(ii)]

**का. आ. 763.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ईव्स एजेंसी, 22, ईस्ट चित्राई स्ट्रीट, मदुराई नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1972 के अगस्त के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35019(131)/72-पी. एफ. 2]

**S.O. 763.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Eves' Agency 22, East Chitrai Street, Madurai have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1972.

[No. S-35019/131/72-PF. II]

का. आ. 764.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स आर्च. बी. एव. प्रकाशन प्रिन्टर्स एण्ड पब्लिशर्स, 7 मैन रोड, गांधी नगर, बंगलौर-9 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना 1972 के अगस्त के प्रथम दिन को प्रवृत्त हुई समझी जाएगी ।

[सं. एस. 35019(182)/72-पी. एफ. 2 (1)]

S.O. 764.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs I. B. H. Prakasana Printers and Publishers, 7th Main Road, Gandhi Nagar, Bangalore-9 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1972.

[No. S-35019/182/72-PF. II(i)]

का. आ. 765.—कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात्, एतद्वारा आर्च. बी. एव. प्रकाशन प्रिन्टर्स एण्ड पब्लिशर्स, 7 मैन रोड, गांधी नगर, बंगलौर-9 नामक स्थापन को 1 अगस्त, 1972 से उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है ।

[सं. एस. 35019(182)/72-पी. एफ. 2 (2)]

S.O. 765.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 1st August, 1972 the establishment known as Messrs I. B. H. Prakasana Printers and Publishers, 7th Main Road, Gandhi Nagar, Bangalore-9 for the purposes of the said proviso.

[No. S-35019/182/72-PF. II(ii)]

का. आ. 766.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स कुमार साउण्ड कार्पोरेशन, 19 फ्रेंड्स कालोनी इण्डस्ट्रियल एरिया, जी. टी. रोड, शाहदारा, दिल्ली नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना 1969 के अप्रैल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी ।

[सं. एस. 35019(183)/72-पी. एफ. 2]

S.O. 766.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kumar Sound Corporation, 19 Friends Colony Industrial Area, G. T. Road, Shahdara Delhi have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1969.

[No. S-35019/183/72-PF. II]

का. आ. 767.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स दी त्रिचूर डिस्ट्रिक्ट एक्स-सर्विसेज मल्टिपुर्पज को-ऑपरेटिव सोसाइटी लिमिटेड नं. 3525 त्रिचूर जिसमें उसकी शाखा विक्रय डिपो, गिरी ब्रांड, अम्ब्रेलाज, एम. ओ. रोड, त्रिचूर भी सम्मिलित है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना 1973 की फरवरी के 28वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं. एस. 35019(186)/72-पी. एफ. 2]

S.O. 767.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Trichur District Ex-services Multipurpose Co-operative Society Limited No. 3525 Trichur including its Branch Sales Depot, Giri Brand, Umbrellas, M. O. Road, Trichur have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 28th day of February, 1973.

[No. S-35019/186/72-PF. II]

का. आ. 768.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मॅसर्स रत्ना इन्डस्ट्रीज, 24 कै. एम. मथुरा रोड, फरीदाबाद-3 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना 1972 के अक्टूबर के इक्कीसवें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं. एस. 35019(189)/72-पी. एफ. 2(1)]

**S.O. 768.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ratna Industries, 24, K. M. Mathura Road, Faridabad-3 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1972.

[No. S-35019/189/72-PF. II(i)]

**का. आ. 769.**—केंद्रीय सरकार कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि, अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बन्ध विषय में आवश्यक जांच करने के पश्चात् 31 अक्टूबर, 1972 से मैसर्स रत्ना इन्डस्ट्रीज, 24, के. एम. मथुरा रोड, फरीदाबाद-3 नामक स्थापन को एतद्वारा उक्त परन्तुक के प्रयोजनों के लिए विनियमित करती है।

[सं. एस.-35019(189)/72-पी.एफ. 2(2)]

**S.O. 769.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 31st October, 1972, the establishment known as Messrs. Ratna Industries, 24, K. M. Mathura Road, Faridabad-3, for the purposes of the said proviso.

[No. S. 35019(189)/72-PF. II(ii)]

**का. आ. 770.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स यूनाइटेड प्रीसीजन इन्जीनियरिंग कं 0/15 इण्डस्ट्रीयल एरिया, यमुना नगर नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1972 के अक्टूबर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35019(195)/72-पी.एफ. 2]

**S.O. 770.**—WHEREAS it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. United Precision Engineering Company 0/15, Industrial Area, Yamunanagar have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1972.

[No. S-35019/195/72-PF. II]

### शुद्धिपत्र

**का. आ. 771.**—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2) तारीख 2 दिसम्बर, 1972 के पृष्ठ 4402 पर प्रकाशित भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. 4005, तारीख 18 नवम्बर, 1972 में, अधिसूचना की पीक 8 में "निम्नलिखित क्षेत्रों" शब्दों के स्थान पर "निवार केंद्र के निम्नलिखित क्षेत्रों" शब्द पढ़ें।

[सं. एस.-38013(15)/72-एच.आई.]

दलजीत सिंह, अवर सचिव

### CORRIGENDUM

**S.O. 771.**—In the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) S.O. 4005, dated the 18th November, 1972, published at page 5502 of the Gazette of India Part II, Section 3 sub-section (ii), dated the 2nd December, 1972 in line 9 of the notification, for 'following areas' read 'following areas of Niwar centre'.

[S-38013(15)/72-HI]

DALJIT SINGH, Under Secy.